

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 8, 2004

Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Ms. Lakshmi Kambampati, Sanskrit, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of May 18, 2004, and the Special Meetings Minutes of May 20, 21, and 25, 2004, were approved 7 to 0.

AWARDS AND PRESENTATION:

SERVICE AWARD

Distinguished Service Award.

Mayor Mayans presented John W. Minor with a Distinguished Service Citation.

PROCLAMATIONS

Proclamations previously approved were presented.

SHINING STARS

Recognition of City Employees-“Shining Stars.”

Mayor Mayans recognized Lt. Jim Gaston, Susan Leiker, Timm McCurdy and Craig Steward and presented each of them with a plaque.

Wichita's Promise

Wichita's Promise-Youth Service Awards.

Mayor Mayans recognized Keshayla Mitchell, Corrinda Calhoun, Mark K. Smith Jr. and Brittani Hernandez and presented each of them with a certificate.

UNFINISHED BUSINESS

SIDEWALK CLEAN

SIDEWALK CLEANING ASSESSMENTS. (Deferred May18, 2004)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0536

It is unlawful for a property owner or occupant of any lot or piece of ground abutting upon any street upon which there is a sidewalk to allow earth, dirt, filth, mud, papers, stone, snow, ice, refuse and rubbish to accumulate on a sidewalk.

Property owners were notified in writing of the legal requirement for cleaning of the sidewalks. However, some owners chose not to clean their sidewalks, therefore, a City crew cleaned the sidewalks.

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Statements of Charges will be mailed to the property owners on June 18, 2004. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. Interest will be added to the principal amount and will be determined by the rate at which the July 2004 bonds sell. The principal and interest will then be spread over 5-years and placed on the 2004 tax roll.

These assessments are in accordance with City Code 10.04.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to provide a tax levy for the cost of sidewalk cleaning in the City of Wichita, Kansas, introduced and under the rules laid over.

NEW BUSINESS

SIDEWALK CAFES

SIDEWALK CAFES-STRUCTURAL DESIGN.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 04-0537

The City Council enacted an ordinance permitting the operation of sidewalk cafes within the City, upon approval of the Public Works Department, on December 11, 2001. An existing ordinance, which governs the design of all premises licensed for sale and consumption of alcoholic liquor, currently requires outdoor portions of a licensed premise to be accessible only from an interior entrance, i.e., other than the main entrance to the establishment. This severely limits those businesses that can qualify for such a license without major structural renovation. The proposed change would eliminate this structural impediment to licensed operation.

Neither state law nor regulation makes a similar requirement. Ultimately, the licensed proprietor faces the severe sanction of loss of operating license if customers are allowed to leave the licensed premises with open containers of alcoholic liquor. This is the same, whether one or two entrances to the licensed premises exist. The proposed ordinance has the approval of the police department, which indicates that the existing structural requirement makes little if any difference in enforcement activities or safety concerns.

The cost of administering the program equates roughly to the receipts for the permits issued, so that the net financial effect to City government is minimal.

The proposal affords this form of business opportunity to an expanded number of food and beverage service operators without conflicting with state law or regulation. The ordinance was drafted by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 4.16.070 of the Code of the City of Wichita, Kansas pertaining to private clubs, introduced and under the rules laid over.

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LETTER OF INTENT REQUEST FOR LETTER OF INTENT FOR HEALTH CARE FACILITIES REFUNDING REVENUE BONDS, INTEGRATED HEALTHCARE SYSTEMS, INC. (DISTRICT VI)

Allen Bell

Director of Economic Development reviewed the item.

Council Member Gray momentarily absent.

Agenda Report No. 04-0538

Integrated Healthcare Systems, Inc., is requesting the issuance of an eighteen-month letter of intent for Industrial Revenue Bonds for the benefit of Wichita Clinic P.A. in an amount not-to-exceed \$26,000,000. The bonds will be used to finance the cost of acquiring, constructing, and equipping a medical office building and ambulatory surgical center. Integrated Healthcare Systems, Inc., is an operating company owned solely by the stockholders of Wichita Clinic, P.A. Integrated Healthcare Systems will sublease the project to the Wichita Clinic.

Wichita Clinic, P.A. is the State's largest medical group practice, with approximately 160 doctors practicing at eleven locations in 40 different medical specialties. Wichita Clinic founded in 1948, currently employs approximately 1,215 individuals. Wichita Clinic is a leader in the health care community and provides outpatient medical services to the residents of Wichita, Sedgwick County, and northern Oklahoma. Wichita Clinic provides both primary care and specialty care outpatient medical services. Wichita Clinic also provides outpatient surgery services in its DaySurgery center. Other services include extensive imaging services, the only two certified sleep medicine facilities in Wichita and numerous pediatric specialists not available elsewhere in the region.

Integrated Healthcare Systems proposes to build a new 121,000 s.f. facility to be located at 21st & K-96 on approximately 30 acres. The project will consist of a new ambulatory surgery center, medical office building, imaging center and supporting departments. The company anticipates that it will create 70 new jobs within the first three years of operation.

An estimated analysis of the uses of project funds is:

USES OF FUNDS:

Buildings	\$17,500,000
Land	3,000,000
Equipment	4,500,000
Cost of Issuance	200,000
Other	800,000

Total cost of Project \$26,000,000

The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. The bonds will be privately place and not re-offered for public sale. Integrated Health Systems agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Integrated Healthcare Systems agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Integrated Healthcare Systems is not requesting a tax abatement of ad valorem property taxes on the project. Purchases made with IRB proceeds are normally exempt from state and local sales tax.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey

Council Member Fearey stated that she would have to abstain from voting on this issue due to a conflict of interest.

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Motion-- Schlapp moved that a Letter of Intent to issue Industrial Revenue Bonds to Integrated Healthcare Systems in an amount not-to-exceed \$26,000,000, subject to the Standard Letter of Intent Conditions be approved. Motion carried 6 to 0. (Fearey abstained)

--carried

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.

Kurt Schroeder Superintendent of Central Inspection reviewed the item.

Agenda Report No. 04-0539

On April 20, 2004 a report was submitted with respect to the dangerous and unsafe conditions on four (4) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on June 8, 2004. Since that time, one property has been demolished.

On April 5, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 2524 East Mossman	I
b. 426 North Ash	I
c. 420 South Estelle	I

Pursuant to State Statute the Resolutions were duly published twice on April 22, 2004 and April 29, 2004. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Motion-- Brewer moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures be adopted and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of June 8, 2004; (2) the structure(s) has/have been secured as June 8, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of June 8, 2004 and will be so maintained during renovation for the properties located at a) 2524 East Mossman, b) 426 North Ash and c) 420 South Estelle. Motion carried 7 to 0.

--carried

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings.

RESOLUTION NO. 04-275

Resolution finding that the structure described as: Lots: w. 52 ft. e. 54 ft. s 1/2 lot 7, Frisco now 9th St. Mossman's Addition, Wichita, Sedgwick County, Kansas, commonly known as 2524 East Mossman, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-276

Resolution finding that the structure described as: Lot 26, Short now Ash St. Devore's Sub-division, Wichita, Sedgwick County, Kansas, commonly known as 426 North Ash, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-277

Resolution finding that the structure described as: Lots 15-17, Coleman's Addition, Wichita, Sedgwick County, Kansas, commonly known as 420 South Estelle, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

METER READING

METER IMPROVEMENTS AND AUTOMATIC METER READING PURCHASE.

Cathy Holdeman

Interim City Manager reviewed the item.

Agenda Report No. 04-0540

Automatic meter reading (AMR) technology is designed to automate the labor-intensive process of reading meters. The Water and Sewer Utility has experimented with radio read technology, and in 2001 began installing radio transmitter devices in new construction areas. Installing the units in new construction avoids the expense associated with the creation of new reading routes. Roughly 6,000 have been installed in various locations in the service area. The cost of the devices is included in the service installation tap fee.

The technology involves installation of a battery-powered, environmentally sealed radio transmitter attached to the water meter that captures a digital signal from the meter's register and transmits the reading to a mobile, van-mounted collection unit. Hundreds of readings can be accurately collected in minutes. AMR replaces what individual meter readers would require hours to accomplish.

When meters are in use for more than fifteen-to-twenty years, they slow down and revenue losses begin to accrue. It becomes necessary to change the meters out with units that record the full flow of water. Coupling the replacement of failing meters with the installation of AMR in areas that experience higher-than-average read times and hence, reading costs, will result in a cost-effective program. It is estimated that 6,000 or more meters and AMR units will be needed in selected areas on the outskirts of the service area in 2004, 2005, and 2006 (approximately 2,000 units per year).

The most cost-effective use of the technology is to retrofit new housing units located on the periphery of service areas. These routes are roughly composed of 200-to-250 meters that require longer reading time, due to lot sizes and distance between meters. Many require driving, rather than walking routes.

The long-term goal of the program is a decrease in meter reading staffing levels, overtime, and improvement in the timeliness of the billing process related to the ability to easily stay on schedule. Additionally, the current device will no longer be supported beginning in 2006. The use of AMR technology will continue to be evaluated and is expected to accelerate in future years as price and performance improves.

Total cost for 2,150 of these units, plus a 5 percent contingency, is \$445,000. Per unit cost is \$197.26 consisting of the following:

- Preprogrammed and pre-wired Itron encoder receiver transmitter (ERT) units and Badger meter equipped with digital output register (these are currently under contract in accordance with standard purchasing procedures).
- \$30 for contract installation.

Staff recommends that in the first year of the program \$51,000 of the \$500,000 in the budget for CIP W-552 be allocated for purchase of the next generation of Itron mobile reading technology hardware and software. The price of AMR technology has decreased significantly in recent years and projections indicate that payback on original investment can be achieved in a six-year time frame.

Contracts will be approved by the Law.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--
--carried

Mayans moved that the expenditure be authorized; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04- 278

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$1.5 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HOOVER COURT

HOOVER COURT PAVING, SOUTH OF HARRY. (DISTRICT IV)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0541

Hoover Court, south of Harry is unpaved. Attempts to obtain a valid paving Petition have not been successful. The owner of 49.8% of the improvement district area has requested that the paving be ordered in. District IV Advisory Board sponsored an April 7, 2004, neighborhood hearing on the project. A motion to approve the project failed by a 3-5 vote. On May 11, 2004, at Council Member Gray's request, the City Council adopted a Resolution ordering a June 8, 2004, public hearing on the project.

The project will provide paved access to a partially developed industrial park located south of Harry, west of Hoover.

The estimated project cost is \$117,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.23 per square foot of ownership.

State Statutes provides the authority for the City Council to order in the paving.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Phil Meyer

Mr. Meyer stated that he is an agent for the applicant and that they are requesting the paving of Hoover Court. The City has put a lot of time and money into the improvements on Hoover Road. Stated that one of the issues that his office is going to run into is that they may not get a building permit for either of the two back lots until the street is put in. If they can get this street put in now it will make this piece of property more marketable and that they run into a timing logistics when a street is not put in. Stated that with all the improvements the City has done on Hoover there is a lot of interest in this area and just a matter of time before this area develops out.

Chuck Lambertz

Mr. Lambertz stated that he is one of the owners of the two lots south of the applicants' property. Stated that in the past they have developed nice property to the south and chose to develop their own access from Hoover to serve their two lots. Stated that he feels the applicant can circulate his own property internally as has been their plan and does not know why the City of Wichita would overlook the lack of a majority vote and district's IV's decision not to support this and place this burden on property owners that have no interest.

Council Member Gray

Council Member Gray explained that the issue with DAB IV was that it was a split decision a 5-3 vote and that two of the members that denied the paving petition, this was their first meeting and that they were very unfamiliar with the paving process. Stated that after speaking to them he was told that they now understand the process and that they would change their vote if this were to come before them again. Stated that his findings are 1. No road exist on this property; 2. The Council orders in streets on a regular basis to close out an area of a development or neighborhood and that these are the last remnant

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streets; 3. Large sums of money have been invested in this important corridor by private local state and federal governments to a sum of over a hundred million dollars, which makes this area very marketable, very accessible and it will be very attractive for development in the future especially with the added businesses that Cessna is putting into this area; 4. The back properties cannot be developed without paving the streets. Stated that in this situation being that it is a very developable area and knowing how his DAB would vote differently on this today on this issue, he will support ordering the paving of Hoover Court.

Motion--carried

Gray moved that the project be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-279

Resolution of findings of advisability and Resolution authorizing improving Hoover Court, from the west line of Hoover, west to and including the cul-de-sac, 472-84024, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PETITION

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM ALONG MURDOCK BETWEEN ARAPAHO AND EISENHOWER. (DISTRICT V)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0542

The signatures on the Petition represent 3 of 7 (42.86%) resident owners and 68.15% of the improvement district. District V Advisory Board sponsored a May 3, 2004, neighborhood hearing on the project. The Board voted 6-0 to recommend approval of the project.

The project will extend City water service to several homes along Murdock, between Arapaho and Eisenhower.

The estimated cost of the project is \$36,000 with the total assessed to the improvement district area. The proposed method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.32 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by more than 50% of resident property owners or by owners of more than 50% of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Martz moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-280

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89946 (north of Central, west of I-235 Freeway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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MUNICIPAL COURT CHARTER ORDINANCE AMENDMENTS-MUNICIPAL COURT PROCEDURES.

Gary Rebenstorf Director of Law reviewed the item.

Agenda Report No. 04-0543

The City of Wichita has used its Home Rule authority to charter out of some provisions of the Municipal Court Procedure Act and to tailor procedures to meet its own local needs. In the 2004 legislative session, several state statutes pertaining to municipal court procedure were amended, including some of the statutes addressed in previous charter ordinances.

SB 350 amended the length of time probation may be granted from one year currently, to a range of two to four years under the new statutory changes. Senate substitute for HB 2352 amended state statute to allow protective custody of prisoners arrested that may cause injury to self or others or damage to property, and there is no responsible person who can take custody of the defendant. The protective custody statute allows up to a six-hour hold. The bill also amends the mandatory 18-hour own recognizance bond provision to allow for a person to be held in jail up to 48 hours, unless they bond or a warrant is issued. At 48 hours, they are allowed to sign their own recognizance bond, and be released, absent a warrant being issued or bond being posted. Bond must be set within 18 hours of the person being placed into custody.

The legislative changes provide an opportunity to update the Charter Ordinances to include these municipal court procedures recommended by the Judicial Council and adopted by the legislature. The Municipal Court and Police Department support these changes.

The proposed amendments to charter Ordinances Nos. 122, 164 and 170, would update the City of Wichita's municipal court procedures to reflect the changes adopted in amendments to state statutes.

A charter ordinance requires two-thirds approval by the City Council and is effective 61 days after final publication.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Mayans moved that the first reading of the Charter Ordinance be approved. Motion carried 7 to 0.

ORDINANCE

A Charter Ordinance of the City of Wichita, Kansas, relating to the code of procedure for municipal courts; amending Section 3 of Charter Ordinance no. 164, Section 1 of Charter Ordinance 170, and Section 4 of Charter Ordinance No. 122; and repealing the original of said Sections, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS BOARD APPOINTMENTS.

Mayor Mayans Mayor Mayans stated that the Council will not be making all of the appointments today and will just be reappointing some of the existing members. Stated that the new members will be appointed at a later date.

Motion Mayans moved to appoint the following people to the Supplier Diversity Task Team: Carlos Nolla, Delia Lopez, Bonita Gooch, Denise Sherman, Larry Burks, Ray Frederick, Gary Gibbs, and Grey Ferris. Motion carried 7 to 0.

--carried

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TRAVEL EXPENSES APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LEAGUE OF MUNICIPALITIES GOVERNING BODY MEETING JUNE 10-11, 2004 IN INDEPENDENCE, KANSAS.

Mayor Mayans Mayor Mayans stated that the meeting dates have been rescheduled and will be held on June 17th and 18th instead of the 10th and 11th.

Motion--carried Martz moved that the expenditures be approved. Motion carried 7 to 0.

CITY MANAGER APPOINTMENT APPOINTMENT OF CITY MANAGER AND APPROVAL OF AGREEMENT.

Agenda Report No. 04-0604

On May 25, 2004, the City Council held a special meeting to vote to authorize the employment of a new City Manager. The selection process was very comprehensive and deliberate and the City Council members and staff took it very seriously. The City Council utilized the input of a citizen focus group that represented the broadest group in the community. A number of candidates were considered. The finalist candidates were highly capable and had done outstanding things in their communities.

At the special meeting a motion was made by the Mayor that the City Council select George Kolb to serve as the City Manager for the City of Wichita and the Mayor be authorized to negotiate terms for a letter extending an offer of employment to George Kolb. The motion carried 6 to 0, with Council Member Lambke absent.

Presented for approval of the City Council is a letter agreement concerning the employment conditions of the new City Manager

The City Council has the authority to set and budget the salary and employment benefits for the City Manager.

The City Council has the authority to appoint the City Manager and enter into an employment agreement. The City Attorney will approve the agreement as to form.

Mayor Mayans Mayor Mayans reported that he spoke to Mr. Kolb this morning and he is very excited to get to Wichita and start working and that his starting date is July 26, 2004.

Council Member Fearey Council Member Fearey suggested that the Mayor read aloud the highlights of the agreement.

Mayor Mayans Mayor Mayans stated that the agreement would also be made available to the media. Mayor Mayans read that Mr. Kolb's starting date will be June 26, 2004, minimum compensation will be \$155,000.00 and there may be increases of his base salary using a national cost of living data and merit increases all subject to an annual performance evaluation. There will also be a car allowance of \$7,200.00 annually and a monthly sum of \$50.00 to be applied to cell phone service. The City will pay the premium cost of the health and dental insurance under the terms of the City group policy for the manager and eligible dependants subject to the co-pay and co-insurance obligations at the time of employment and the City will pay for a group life insurance for the manager. There will be severance compensation at the time of any involuntary termination, an amount equal to six months current salary plus an accrual of an additional sum equal to one month of current salary for every full year of service completed up to a maximum total equal to 12 months of current salary. Vacation and sick leave as other employees, the City will pay retirement a standard percentage of the WER Plan 3 or the greatest contribution allowed by law on a 401K, professional conference or organizations, the necessary expenditures to attend those and the required IMCA Conference Meetings, moving expenses, two trips by the spouse for house hunting trips limited to \$1,000 per trip, the actual moving expenses of the family and the manager not to exceed \$15,000.00 and a living expense supplement of a \$1,000.00 per month limited to \$3,000.00. Stated that these are the selling points of the agreement.

Motion--
--carried Mayans moved that George Kolb be appointed as City Manager, the employment agreement be approved; and the Mayor be authorized to sign the agreement. Motion carried 7 to 0.

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CONSENT AGENDA

Council Member Gray Council Member Gray requested to pull Item 18A for discussion.

Council Member Fearey Council Member Fearey requested to pull that Item 20B for discussion.

Motion-- Mayans moved that the Consent Agenda, except Items 18A and 20B, be approved as consensus Items.
--carried Motion carried 7 to 0.

BOARD OF BIDS

REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 7, 2004.

Bids were opened May 28, and June 4, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Hydraulic, 47th Street South to 57th Street South (87N-0303-01/472-83902/448-89923/706877/606130/204343/774525) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$3,644,320.40 (Subject to KDOT approval)

Storm Water Sewer #604 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83794/751365/485256) Does not affect existing traffic. (District II)

Mies Construction - \$308,015.00

Ridge Port from the north line of the plat, south to the north line of Brookview; Conrey from the west line of Ridge Port, west to the west line of Hazelwood; Hazelwood from the south line of Conrey south to the north line of Brookview; Brookview from the west line of Hazelwood, east to the east line of the plat; Ridge Port Court (Lots 1 through 9, Block A) from the east line of Ridge Port, east to and including the "T" intersection; Ridge Port Court (Lots 10 through 18, Block A) from the east line of Ridge Port, east to and including the "T" intersection; Brookview Circle from the west line of Brookview, west to Lot 13, Block B. Sidewalk along one side of Ridge Port, Conrey, Hazelwood and Brookview to serve Ridge Port North 5th Addition - south of 37th Street North, east of Ridge. (472-83649/765853/490964) Does not affect existing traffic. (District V)

Ritchie Paving - \$491,701.50

2004 Sanitary Sewer Rehabilitation Phase C - north of MacArthur, west of Rock Road. (468-83779/620404/664524) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III, IV)

Insituform Technologies - \$249,130.00

Lateral 3, Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83568/744054/480742) Does not affect existing traffic. (District II)

Mies Construction - \$35,576.75

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Provide a third northbound lane with curb, gutter and drainage along K-15 (Southeast Boulevard) from 31st Street South to I-135; provide Mill and Overlay with Reflective Crack Relief Interlayer and Shoulder Repair on K-15 from KTA (I-35) to I-135 - K-15 from 31st Street South to I-135. (87K8014-01/472-83363/706815/ 201281) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$616,675.06 (Subject to KDOT approval)

2004 Street Rehabilitation: Hydraulic, K-96 to 37th Street South; Seneca, 53rd Street South to 61st Street North (472-83925/706881/132716/620398 /204347 /664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,VI)

Kansas Paving Company - \$457,600.00 (Engineer's estimate)

2004 Sanitary Sewer Reconstruction, Phase 5 - south of 21st Street North, west of Webb and east of West Street. (468-83814/620405/664525) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI)

Wildcat Construction - \$214,915.00

Lateral 272, Main 5, Sanitary Sewer #22 to serve Steve Kelley 5th Addition - south of 13th Street North, east of Hoover. (468-83801/744055/480743) Does not affect existing traffic. (District VI)

Mies Construction - \$49,321.00

Lateral 14 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (468-83812/744059/480747) Does not affect existing traffic. (District V)

Utility Contractors - \$181,622.00

Main 7 Northwest Interceptor Sewer - between Maize & 119th St. West, and between 29th & 37th St. North. (468-83502/744058/480746) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$655,896.56

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Sodium Hypochloride.

Brenntag Southwest Inc. - \$42,074.75 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Carpet & Hardwood Floor.

W G Samuels Co., Inc. - \$4,020.00 (Group 1 total net bid)

Great American Hardwood Flooring Co., Inc. - \$16,230.00 (Group 2 total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Liquid Sulfur Dioxide.

Brenntag Southwest Inc. - \$5,760.00 (Group 1/total net bid)

FINANCE DEPARTMENT-IT/IS DIVISION: New HP Servers and Miscellaneous Hardware Products.

CIO, Inc. - \$21,793.80 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Concrete Pads.

Kansas Building Products - \$57,635.00 (Group 1 total net bid)

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FIRE DEPARTMENT/FIRE SAFETY DIVISION: Leather Boots.

Mid America Fire Apparatus & Equipment - \$16,494.05 (Group 1-Alternate B total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISION: Roll Tissue, Paper Towels.

Massco Inc. - \$8,533.00 (Group 1 total net bid)

McCune Paper Company Inc. - \$13,420.00 (Group 2 total net bid)

Massco Inc. - \$4,031.25 (Group 3 total net bid)

\$7,245.00 (Group 4 total net bid)

XPEDX - \$7,346.40 (Group 5 total net bid)

American Fun Food Co., Inc. - \$991.75 (Group 6 total net bid)

McCune Paper Company Inc. - \$1,597.00 (Group 7 total net bid)

Southwest Paper Company Inc. - \$4,200.00* (Group 8 total net bid)

*Item 11 Rejected

American Fun Food Co., Inc. - \$8,925.00 (Group 9 total net bid)

Southwest Paper Company Inc. - \$2,431.00* (Group 10 total net bid)

\$1,750.00* (Group 11 total net bid)

*2%-10 Billing term discount

XPEDX - \$837.94 (Group 12 total net bid)

FINANCE DEPARTMENT-IT/IS DIVISION: Firehouse SQL Server License Upgrade/RQ401013.

Visionary Systems* - \$10,398.75

*High Technology Purchases - Ordinance No. 38-122 Section 2.64.020 (g) – Sole Source of Supply

FINANCE DEPARTMENT-IT/IS DIVISION: Exchange Server/Userdocs Server Final Configuration/RQ4011089.

Hewlett Packard-Global Government Educations Solutions* - \$78,120.00 (As per WSCA Contract #90-00151)

* Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Escort Service

Vicki Maness

Models on Call

535 South Francis

Motion--

Mayans moved that the license, subject to Staff review and approval, be approved. Motion carried 7 to 0.

--carried

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APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
James Ream	The Chus	5111 West 13th Street

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
David Bullington	Wal-Mart Supercenter #3283	10600 West 21st Street
Mark Branham	QuikTrip #313	3164 South Hillside
Mark Branham	QuikTrip #320	1021 West 31st Street South
Mark Branham	QuikTrip #321	6011 West Central
Mark Branham	QuikTrip #325	1414 North Oliver
Mark Branham	QuikTrip #326	2010 South Broadway
Mark Branham	QuikTrip #328	2801 South Hydraulic
Mark Branham	QuikTrip #329	5602 East Harry
Mark Branham	QuikTrip #343	242 South Tyler
Mark Branham	QuikTrip #345	4020 South Meridian
Mark Branham	QuikTrip #347	1532 South Seneca
Mark Branham	QuikTrip #349	1112 West Douglas
Mark Branham	QuikTrip #353	110 South Rock Road
Mark Branham	QuikTrip #356	4808 South Hydraulic
Mark Branham	QuikTrip #358	7120 West 21st Street North
Mark Branham	QuikTrip #360	3933 West 13th Street
Mark Branham	QuikTrip #366	1620 South Webb Road
Mark Branham	QuikTrip #368	626 West 21st Street North
Mark Branham	QuikTrip #369	3216 East Harry
Mark Branham	QuikTrip #372	3106 East Pawnee
Mark Branham	QuikTrip #373	1610 East Lincoln
Mark Branham	QuikTrip #374	10315 West 13th Street
Mark Branham	QuikTrip #376	2106 South Rock Road
Mark Branham	QuikTrip #378	5611 South Broadway
Mark Branham	QuikTrip #383	11223 East Central
Mark Branham	QuikTrip #384	2510 West Pawnee
Mark Branham	QuikTrip #386	1010 East Douglas
Mark Branham	QuikTrip #388	7991 East 37th Street North
Mark Branham	QuikTrip #389	4730 East Central
Mark Branham	QuikTrip #391	730 North Broadway

<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Amy Pham	Dong Thinh Asian Grocery	6310 East Harry

<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Diana Wilson	Tri-Bees Express	1935 West 21st Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Rehab, joint repair and mill & overlay Main Street from Douglas to 3rd and from Central to Murdock; Totally replace Main Street from 3rd to Central - Main Street from Douglas to Murdock. (472-83811/448-89816/706864/634030/203330/773201) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$1,368,801.75
- b) Storm Water Sewer #598 to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (468-83728/751356/485247) Does not affect existing traffic. (District V) - \$230,000.00
- c) 34th Street North from the south line of Lot 1, Block A, east to the south line of Lot 16, Block A; Lang, from Tyler Road east to the north line of Lang Circle; Lake Ridge from the north line of Lang Circle north to the north line of the plat; Lake Ridge Court from Lake Ridge east and south to and including two cul-de-sacs to serve Lots 25 through 57, Block B; Lake Ridge Court from Lake Ridge east to and including the cul-de-sac to serve Lots 58 through 67, Block B; and Lang Circle from Lang east to and including the cul-de-sac; Sidewalk on one side of Lang, 34th Street North, and Lake Ridge to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (472-83878/765839/490950) Does not affect existing traffic. (District V) - \$572,000.00
- d) Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East) (448-89822/735191/470861) Does not affect existing traffic. (District II) - \$65,000.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER MAIN FOR AN AREA GENERALLY BOUNDED BY 29TH STREET NORTH, MAIZE, 37TH STREET NORTH AND 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0544

The Petition has been signed by eleven owners, representing 100% of the improvement district.

The project will construct a sanitary sewer main for an area generally bounded by 29th Street North, Maize, 37th Street North and 119th Street West. Several new residential and commercial developments are planned for the area.

The Petition totals \$845,000, with \$169,000 assessed to the improvement district and \$676,000 paid by the Sewer Utility. The Utility share will be reduced, as additional areas are platted and petition to be included in the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-281

Resolution of findings of advisability and Resolution authorizing construction of Main 7, Northwest Interceptor Sewer (an area generally bounded by 29th Street North, Maize, 37th Street North and 119th Street West) 468-83502, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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STORM WATER

PETITION TO CONSTRUCT A STORM WATER DRAIN FOR AN UNPLATTED TRACT LOCATED SOUTH OF 29TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 04-0545

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide drainage improvements to a new commercial development located south of 29th Street North, west of Maize.

The Petition totals \$263,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-282

Resolution of findings of advisability and Resolution authorizing improving storm Water Drain No. 234, (south of 29th Street North, west of Maize) 468-83834, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STORM WATER

PETITION TO CONSTRUCT A STORM WATER SEWER IN EVERGREEN AND NEWMARKET SQUARE ADDITIONS, NORTH OF 21ST STREET, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 04-0546

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will provide drainage improvements to a new commercial development located north of 21st, west of Maize.

The Petition totals \$100,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0

RESOLUTION NO. 04-283

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 608, (north of 21st, west of Maize) 468-83827, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

KISER WEST ADD.

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR KISER WEST ADDITION, SOUTH OF 13TH STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 04-0547

The Petition has been signed by five owners, representing 100% of the improvement district.

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The project will provide water service to a new commercial development located south of 13th, west of Greenwich.

The Petition totals \$59,600 with \$18,500 assessed to the improvement district and \$41,100 paid by the Water Utility. The Utility share is for the cost of over sizing the pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-284

Resolution of findings of advisability and Resolution authorizing construction OF water Distribution System Number 448-89955 (south of 13th Street, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

TRAFFIC SIGNALS PETITION TO INSTALL TRAFFIC SIGNALS ON WOODLAWN AT THE MAJOR ENTRANCES TO NORTHEAST ELEMENTARY SCHOOL AND HINKLE'S ADDITIONS AT WOODLAWN, SOUTH OF 29TH STREET NORTH. (DISTRICT I)

Agenda Report No. 04-0548

The Petition has been signed by two owners, Unified School District 259 and Galichia Medical Group, representing 100% of the improvement district.

The project will improve access to a new elementary school on the west side of Woodlawn and a new medical facility on the east side of Woodlawn, both south of 29th Street North.

The Petition totals \$267,000, which is the total project cost. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-285

Resolution of findings of advisability and Resolution authorizing constructing a traffic signalization at the intersection of Woodlawn and the major entrance to Lot 1, Block 1, Northeast Elementary School Addition and the major entrance to Lot 1, Block 1, Hinkle's Addition to Wichita, Sedgwick County, Kansas (at Woodlawn, south of 29th Street North) 472-84047, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CENTRAL PARK ST. PETITION TO WIDEN CENTRAL PARK STREET, WEST OF MAIZE, NORTH OF 21ST STREET. (DISTRICT V)

Agenda Report No. 04-0549

The Petition has been signed by one owner, Socora Village Company, representing 100% of the improvement district.

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The project will improve access to the, new Target Superstore located west of Maize, north of 21st.

The Petition totals \$45,000, which is the total project cost. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-286

Resolution of findings of advisability and Resolution authorizing improving Central Park west of Maize Road (North of 21st Street North, west of Maize) 472-84048, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SANITARY SEWER

PETITION FOR SANITARY SEWER AND STORM WATER SEWER IN OAK CLIFF ESTATES ADDITION, NORTH OF MAPLE, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 04-0550

The Petitions have been signed by two owners, representing 100% of the improvement districts.

These projects will provide sanitary sewer and drainage improvements to a new commercial building located north of Maple, west of Maize.

The Petitions total \$43,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-287

Resolution of findings of advisability and Resolution authorizing construction of Lateral 37, Main 1, Cowskin Interceptor Sewer (north of Maple, west of Maize) 468-83824, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-288

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 607 (north of Maple, west of Maize) 468-83825, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

AVALON PARK

PETITION FOR STORM WATER SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE AVALON PARK ADDITION, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 04-0551

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On September 9, 2003, the City Council approved Petitions for storm water sewer and the water distribution system in Avalon Park Addition. The developer has submitted new Petitions to reallocate special assessments within the improvement districts. The signatures on the new Petitions represents 100% of the improvement districts.

These projects serve a new residential development located north of 37th Street North, east of Tyler.

The Petitions total \$475,510. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-289

Resolution of findings of advisability and Resolution authorizing construction, OF water Distribution System Number 448-89967 (north of 37th Street North, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-290

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 213 (north of 37th Street North, east of Tyler) 468-83693, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-291

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No 214 (north of 37th Street North, east of Tyler) 468-83694, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Housing Advisory Board, February 17, 2004
Board of Park Commissioners, March 8, 2004
Wichita Public Library, March 2004
Board of Electrical Appeals-Office of Central Inspection, March 9, 2004
Wichita Employees' Retirement System, March 17, 2004
Police & Fire Retirement System, March 24, 2004
Board of Code Standards and Appeals, April 5, 2004
District Advisory Board I, April 5, 2004
Wichita Airport Advisory Board, April 5, 2004
District Advisory Board V, April 12, 2004
Board of Electrical Appeals-Office of Central Inspection, April 13, 2004
Design council, April 15, 2004
Wichita Public Library, April 20, 2004

Motion--carried

Mayans moved that the Minutes be received and filed. Motion carried 7 to 0.

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STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES: SHERIDAN AT SECOND. **(DISTRICT VI)**

Agenda Report No. 04-0552

Wildcat Construction Company, Inc. has contracted with SBC to relocate a utility conduit along the north side of Second Street in advance of a drainage installation project. At Sheridan the conduit will need to be relocated to a depth of approximately 10 feet. Because the sandy soil in this area requires larger trench excavations at this depth and the work to be done does not lend itself to be accomplished in one-half of Sheridan at a time the contractor is requesting a 2 to 3 day closure of Sheridan at Second. The requested closure is tentatively scheduled from approximately 8:30 a.m. June 9th through approximately 4:00 p.m. June 11th.

Wildcat Construction Co., Inc. is responsible for the placement of required construction signs and barricades and notification of area businesses and residents.

Motion--carried

Mayans moved that the street closure be approved. Motion carried 7 to 0.

(Agenda Item 18A) **STREET CLOSURE**

DELANO DREAM CAR SHOW.

Agenda Report No. 04-0604

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

Delano Dream Car Show / Saturday, June 12, 2004

Street Closures: First Street from Seneca to McLean
Sycamore from First to Douglas
Douglas from McLean to Seneca
Walnut from Douglas to Second

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Council Member Gray

Council Member Gray stated that he received a phone call yesterday from a business owner in the Delano area complaining that this is the second time in a month that they had to have the streets in their area shut down for a car show and that Saturdays are their busiest day and this is their busiest time of year. With so many streets being closed down it is very difficult to access their property and impairs their business. Stated that he is going to still move that the Council grant the street closure for this day because plans have already been facilitated but would like to see in the future, that more discretion be made when bringing applications to the Council in this area knowing that these events do create a hardship on several of the businesses. Stated that he would prefer not to see anymore of these request for the rest of the summer.

Motion--

Gray moved that the street closure request be approved, subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

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PROPERTY DISP.

SALE OF SURPLUS PROPERTY: LOCATED AT 600 WEST MACARTHUR. (DISTRICT IV)

Agenda Report No. 04-0553

An offer has been received for the City-owned property at 600 West MacArthur. The property was designed as a fire station and has 3,428 square feet. It is located on a 43,560 square foot site and is zoned single-family.

The property was offered in the July 2003 marketing program with the highest qualifying offer being \$100,000 with the intended use as a residence. Council accepted this offer on November 4, 2003. The buyer was unable to obtain financing and the contract lapsed. The property was placed back on the open market. An offer of \$65,000 has been received. The property is being sold "as-is" with the buyer responsible for all repairs and inspections. The buyer intends to utilize the property, after rezoning, as a location for the buyer's trenching service.

The City will receive cash consideration from the sale of the property at closing and the property will return to the tax rolls.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

AIR QUALITY

RENEWAL OF AIR QUALITY PROGRAM GRANTS CONTRACT.

Agenda Report No. 04-0554

Since 1972 the City has received grant funding from the Environmental Protection Agency to operate a local air quality program. Additional funding, from the Kansas Department of Health and Environment, has been provided since 1994. Program objectives include inspection of air pollution sources, air monitoring for criteria pollutants and toxic compounds, indoor air quality investigations, complaint investigations, responding to hazardous materials spills, and educational activities which include presentations on air quality issues and the Environmental Health web site.

Three separate grants allow the Department of Environmental Health to provide comprehensive air quality services that address public health and environmental protection issues. This Federal and State support allows a level of service that would be difficult to provide utilizing only local funding. The local program has been in existence for thirty-two years, and the Department has maintained good working relationships with EPA & KDHE staff during this time. Continued cooperation is essential in dealing with the air quality issues inherent in a growing urban region such as the Wichita metropolitan area.

Four Air Quality Program positions are funded through the three grants. Support staff and office space are provided by the City of Wichita as a 40% local match for the EPA Section 105 grant. The KDHE grant and the EPA PM2.5 (fine particulate) grant do not require local matching funds. The EPA grants are directed through KDHE to the City of Wichita.

The Law Department will review the contract as to form upon receipt.

Motion--
--carried

Mayans moved that the renewal of the grants be approved and the necessary signatures authorized. Motion carried 7 to 0.

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(Agenda Item 20B)
LEPP

LOCAL ENVIRONMENTAL PROTECTION PROGRAM (LEPP) CONTRACT RENEWAL.

Agenda Report No. 04-0555

Since 1990, the Kansas Department of Health and Environment has provided funding to counties for support of local water quality programs. Since the transition from a City/County division to a City department, Environmental Health has received these funds through a contract with Sedgwick County. Program objectives include inspection of on-site sewage treatment systems, inspection and sampling of private water wells, review of proposed local subdivision plans, educational activities, and coordination of non-point source pollution management efforts with other agencies.

Water quality services performed under the contract address important public health and environmental concerns. State support provides a broader funding base and allows a more comprehensive program that might be possible utilizing only local funding. The Environmental Health staff enjoys a good working relationship with KDHE personnel, and believes that continuation of the LEPP grant is mutually beneficial.

Pending negotiation of the current year contract, the council approved interim funding for the program in December of 2003. The contract provides \$93,750 to reimburse the General Fund for these expenditures, and an additional \$93,750 for support of activities in the coming state fiscal year 2005 (July 1, 2004 through June 31, 2005.) The program also generates in excess of \$ 140,000 in user fees annually. Contract revenue and user fees offset virtually all program expenditures.

Council Member Fearey Council Member Fearey stated that she does not have a problem with what the Council is looking at today but that the issue that she is with the LEPP Grants providing the inspections and the City's relationship with the county on this money. Stated that as we move through the next few years the county is looking at using that money in a way that will not be beneficial to the City programs that the Council is responsible for doing with these different inspections. Stated that she would like to recommend that the Council go ahead and approve this agenda item but to also ask Staff to look at this either in talks on the budget in the next few weeks and or to bring back at a separate workshop item to see if there is some kind of a partnership the City can form with the county on looking at this issue as more of a county-wide basis to meet the needs of the citizens.

Motion-- Fearey moved that the contract be approved; the funds received; and the transfer of current year contract revenue to reimburse prior expenditures from the City's General Fund be authorized and Staff to look at in budget talks the next few weeks and or to bring back as a separate workshop item to see if there is some kind of a partnership the City can form with the county regarding looking at this issue as more of a county-wide basis to meet the needs of the citizens. Motion carried 7 to 0.

--carried

**MAINTENANCE
PROGRAM**

PUBLIC MAINTENANCE PROGRAM.

Agenda Report No. 04-0556

The 2004-2005 budget provides funds to maintain the various public art pieces that are owned and maintained by the City. This allocation represents the first time the City has programmed funds for maintenance of these donated sculptures and constructed artwork in various areas of the City. The existing collection is in need of maintenance and repairs, due to vandalism and damage resulting from weather. The City issued RFP's to qualified firms to perform this work. The firm of Gotta Corporation is the recommended business to perform this contract work.

The contract provides for various elements of work, including such items as semi-annual maintenance cycles, Fall 2004, and Spring 2005 with specific tasks such as:

- Submission of digital photo documentation of sculpture and site location (Fall 2004).
- Submission of digital photo documentation of vandalism or damage to sculptures.
- Submission of condition reports, including descriptions and dimensions of sculpture; environmental elements around sculpture; visual identification of materials of sculpture and base; assessment of structural integrity of sculpture base and possible damage to sculpture

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from environmental elements; cleaning of sculpture; and reviews with staff on assessments, conditions and long-term preventative maintenance programs.

In addition, written reports for each sculpture will include historical information, fabrication details, installation date, site background and related activities.

A budget allocation for this work totals \$50,000. The cost submitted by the contractor for Fall 2004 and Spring 2005 is \$48,810, based on the written inventory submitted by Gotta Corporation. Sculptures that are not on the inventory will be billed at a cost of \$55 per hour, plus expenses.

Motion--
--carried

Mayans moved that the contract with Gotta Corporation be approved and the necessary signatures authorized. Motion carried 7 to 0.

HUD

HUD ECONOMIC DEVELOPMENT INITIATIVE GRANT.

Agenda Report No. 04-0557

In February 2004, the U.S. Department of Housing and Urban Development announced the award of an Economic Development Initiative Special Project grant to Wichita Art Museum, Inc. The purpose of this grant is to renovate and construct a second art investigation gallery and for the construction and installation of Light Screens: The Leaded Glass of Frank Lloyd Wright exhibition in November 2004.

The expansion and renovation of the Wichita Art Museum was completed in 2003, but funding for a second Art Investigation Gallery, as well as funding for exhibition construction and installation, remained short of funding.

The second Art Investigation Gallery will be located on the main floor and provide visitors an area of exploration into the permanent collection. Special videos, books and materials will be provided for guests and school groups to relax and read or view a small collection of prints under glass.

The Exhibition of Light Screens: The Leaded Glass of Frank Lloyd Wright will require a qualified installer from Exhibitions International in New York to construct the A and B galleries in such a way as to hold the 45 large leaded glass windows for the exhibition.

The grant totals \$173,978 and does not require local matching funds.

Motion--

Mayans moved that the grant application be approved and the necessary signatures for the grant application and award be authorized. Motion carried 7 to 0.

COST PLAN

CONTRACT FOR DEVELOPMENT OF COST ALLOCATION PLAN.

Agenda Report No. 04-0558

In order to recover indirect costs as charges against federal grants, the City must prepare an annual indirect cost allocation plan consistent with the U.S. Office of Management and Budget (OMB) Circular A-87 within six months after the close of the fiscal year unless an exception is approved by the cognizant agency. HUD has been assigned as the cognizant agency for the City of Wichita.

The cost allocation plan is a statistically driven allocation of qualifying General Fund expenditures to non-General Fund consuming functions and specified grants. Costs are allocated to functions not funded by the General Fund and grants based on consumption of overhead services as measured and weighted by the number and value of expenditure transactions, the number and value of revenue transactions, payroll and headcount. Through the cost allocation, the General Fund is reimbursed for services provided to other funds and to grants.

MAXIMUS, Inc. has developed a plan that meets OMB requirements and has developed sufficient knowledge of the City's operating system to update the plan and make modifications as business

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practices change. The local service staff has proved to be responsive to City staff and have a consistent record of meeting OMB requirements timely.

The annual cost of the contract is \$9,500. Funds are provided through the annual operating budget.

The contract will be for one year with annual renewal options for up to an additional three years.

Motion--
--carried

Mayans moved that the contract with MAXIMUS, Inc. be approved and the necessary signatures authorized. Motion carried 7 to 0.

SCANNERS

SERVICE AND MAINTENANCE ON SCANNERS-SELECTION OF VENDOR.

Agenda Report No. 04-0559

IT/IS contracts with a service vendor to provide repair and maintenance on scanners. These scanners are used by several departments to generate electronic copies of documents for long-term retention.

A competitive Request for Proposal (FP300111) was issued for service and maintenance of scanners and 3 responses were received. A staff screening and selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. The successful vendor was Galaxie Business Equipment, offering the lowest price and most comprehensive service plan for the City's approximately 120 scanners. The new contract will be for one year with options to renew under the same terms and conditions for two (2) additional one (1) year periods by mutual agreement of both parties.

Computer equipment and maintenance service costs are within departmental operating budgets, and the annual total is expected not to exceed \$28,000.

The Law Department will review and approve the contracts as to form.

Motion--
--carried

Mayans moved that the contract to Galaxie Business Equipment be approved and the necessary signatures authorized. Motion carried 7 to 0.

DISPUTE OFFICER

DISPUTE RESOLUTION OFFICER AGREEMENT AMENDMENT-GILBERT & MOSLEY.

Agenda Report No. 04-0560

An agreement between the City of Wichita and the Coleman Company, Inc. ("Coleman"), provides for an arbitration procedure to determine the amount of the costs of the investigation and remediation of the Gilbert & Mosley project to be allocated to Coleman. A Dispute Resolution Agreement was approved on November 20, 2001. Under this Agreement the City and Coleman jointly retained the services of Alberto A. Gutierrez of Geolex, Inc. to hear and determine any unresolved disputes between the City and Coleman. That arbitration process has been ongoing and is about complete.

Under this Amendment to Dispute Resolution Agreement, the City and Coleman will continue to jointly retain the services of Alberto A. Gutierrez through Geolex, Inc. The Agreement is amended to provide an additional sum to complete the remaining proceedings. The City is responsible for 50% of the arbitration costs.

The City's portion of the additional fees and expenses under this Amendment are not-to-exceed \$33,255. The City's portion will be paid out of budgeted Gilbert & Mosley TIF funds.

Motion--
--carried

Mayans moved that the Amendment be approved and the necessary signatures authorized. Motion carried 7 to 0.

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LEGAL SERVICES

AGREEMENT FOR PROFESSIONAL SERVICES (LEGAL)-GILBERT & MOSLEY PROJECT – SUPPLEMENTAL.

Agenda Report No. 04-0561

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson Morrison Hecker LLP (formerly Stinson, Mag & Fizzell) to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, including David Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. The litigation team, headed by Robert L. Driscoll, handled litigation and arbitration for cost recovery from a number of responsible parties. Many of the City's expert witnesses in the litigation were retained by the law firm.

This supplemental agreement provides additional authority to continue to use the services of Stinson Morrison Hecker LLP on an as-needed basis for particular legal and environmental issues in the Gilbert & Mosley project, including the completion of matters relating to settlements, litigation, and arbitration.

This supplemental agreement provides authority for an additional \$950,000 in legal services and related expenses. \$100,000 of these services is currently budgeted and will be paid out of the Gilbert & Mosley TIF. Additional future payments are contingent upon the collection of future awards or settlements from responsible parties.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WESTAR

CONTRACTS FOR RELOCATION OF WESTAR ENERGY ELECTRIC LINES FOR THE EAST KELLOGG FREEWAY PROJECT. (DISTRICT II)

Agenda Report No. 04-0562

Westar Energy has overhead lines along the East Kellogg Freeway project from Gouverneur to the Kansas Turnpike, which provide street lighting and electrical service to the adjacent properties, as well as larger transmission lines. On July 1, 2003 the City Council selected an underground alignment for Westar Energy electric lines in this area, and directed staff to negotiate agreements. Both distribution and transmission lines will be relocated. Contracts have been prepared for the City's portion of the under grounding costs.

The City is obligated to compensate Westar for the difference between underground and overhead utility reconstruction. In July 2003 this cost was estimated at \$2,850,040. Through coordination with the consultant and finalized design plans, contracts have been prepared for the City to pay Westar's actual costs with a not to exceed amount of \$2,333,164.

Funds are available in the project budget to pay these costs. The funding source is Local Sales Tax.

Motion--
--carried

Mayans moved that the Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

ENGLISH COUNTRY

AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING IN ENGLISH COUNTRY GARDENS ADDITIONS, EAST OF TYLER, NORTH OF 13TH STREET. (DISTRICT V) – SUPPLEMENTAL.

Agenda Report No. 04-0563

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in English Country Gardens Addition on February 10, 2004. On April 6, 2004, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The

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Design Agreement with Baughman requires Baughman to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment to Baughman will be on a lump sum basis of \$55,150, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

13TH ST. BRIDGE

AGREEMENT FOR 13TH STREET BRIDGE OVER COWSKIN CREEK. (DISTRICT V) – SUPPLEMENTAL.

Agenda Report No. 04-0564

On April 16, 2002, the City entered into an Agreement with Cook, Flat & Strobel Engineers, P.A. (CF&S) for designing improvements to the 13th Street Bridge over Cowskin Creek. The fee was \$50,780.

Due to rapid development in the area of 135th, 13th Street paving west of the Cowskin Bridge has been advanced in the CIP. CF&S has been asked to change the roadway section west of the bridge from open ditches to curb and gutter with storm sewer to match future paving sections of 13th. The proposed Supplemental Agreement between the City and CF&S provides for additional design services.

Payment will be on a lump sum basis of \$6,690 and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

27TH ST. NORTH

DESIGN SERVICES AGREEMENT - IMPROVEMENTS TO 27TH STREET NORTH FROM ARKANSAS TO MARKET. (DISTRICT VI)

Agenda Report No. 04-0565

The City Council approved the paving of 27th Street North, from Arkansas to Market on April 6, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of 27th Street, from Arkansas to Market. The Staff Screening & Selection Committee selected Baughman for the design on May 6, 2004.

Payment to Baughman will be on a lump sum basis of \$18,800, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

COPPER GATE EST.

DESIGN SERVICES AGREEMENT - COPPER GATE ESTATES, SOUTH OF 13TH, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0566

The City Council approved the water distribution system, sanitary sewer, storm water sewer and paving improvements in Copper Gate Estates on December 10, 2002.

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The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water sewer and paving in Copper Gate Estates. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$49,500, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

STEVE KELLEY 5TH DESIGN SERVICES AGREEMENT - STEVE KELLEY FIFTH ADDITION, SOUTH OF 13TH STREET, EAST OF HOOVER. (DISTRICT VI)

Agenda Report No. 04-0567

The City Council approved the water distribution system, sanitary sewer and paving improvements in Steve Kelley 5th Addition on April 20, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Steve Kelly 5th Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$27,100, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

REED'S COVE DESIGN SERVICES AGREEMENT - REED'S COVE, REED COMMERCIAL & REED'S COVE SECOND ADDITIONS, SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0568

The City Council approved the storm water drainage and paving improvements in Reed's Cove, Reed Commercial & Reed's Cove 2nd Additions on March 16, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of storm water drainage and paving in Reed's Cove, Reed Commercial & Reed's Cove 2nd Additions. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$17,525, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ANIMAL SHELTER WICHITA ANIMAL SHELTER.

Agenda Report No. 04-0569

The City of Wichita's Animal Control Program and the Kansas Humane Society both serve the citizens of Wichita, Kansas by providing animal shelter and care services in similar and cooperative manners.

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Both organizations have inadequate and out dated facilities to accommodate the increased animal populations and the growing needs for animal care and sheltering.

The City and Humane Society both have plans to construct new facilities to meet these growing needs for animal care and sheltering. Since both organizations plan to construct new and expanded facilities to accommodate the needs of the community, a joint partnership to co-locate those facilities and coordinate programs and services has been suggested which would offer efficiencies and operational benefits to both organizations.

City Council, at their May 18, 2004 meeting, approved a Memorandum of Understanding (MOU) to formally establish a policy directive between the City and Humane Society to initiate steps to study, identify and negotiate various planning and project considerations aimed at reaching an agreement sufficient to enter into a Project Agreement and partnership. The MOU will serve as a "blue print" to address issues and develop the concept sufficiently to move forward with a workable partnership to best serve the community.

To implement the directive of the MOU, it will be necessary for the City Council (and the Kansas Humane Society Board of Directors) to appropriate funds in advance of the Project Agreement to study elements of the concepts and provide both governing bodies preliminary cost estimates for conceptual design. The 2004-2013 Capital Improvement Program (CIP) has \$3.3 million programmed for design and construction. \$300,000 is being initiated at this time towards the City's part of the design expenses, including a conceptual design phase.

The Law Department has approved the Resolution as to form.

Motion--
--carried

Mayans moved that the Resolution be approved; the Project initiated; the selection of a design consultant authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-292

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of identifying appropriate sites; acquiring the land identified as the best site; designating the facilities and site amenities; and constructing the facilities for the Wichita Animal Shelter in Wichita, Sedgwick County, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

INDOCHINESE CNTR RENEWAL OF LEASE WITH INDOCHINESE CENTER. (DISTRICT I)

Agenda Report No. 04-0570

On April 26, 1994, the City Council approved a ten-year lease with the Wichita Indochinese Center for the City-owned building at 2502 East Douglas. This term ended on April 28, 2004. The lease calls for nominal rent of \$10.00 per year with the tenant responsible for all costs of occupancy including utilities, major and minor repairs, insurance, etc. The facility is used to provide specialized programs and information services to the Indochinese community.

The lease allows for a ten-year extension upon mutual agreement by the lessee and lessor. The tenant has requested that the lease be modified so that the City would be responsible for major maintenance and the term extended ten years. As the tenant pays no rent, the modification is not recommended. Council can extend the lease for ten years as drafted, can modify the lease or can decline to extend the lease. In the latter case, the tenant would be required to vacate and the City could market the building after meeting CDBG requirements.

The City receives nominal rent for the property and has no expense exposure.

The term of the initial Lease Agreement has expired. A renewal of the lease would require a new agreement. The terms of the new agreement could be same as the expired lease or could be modified.

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Motion--
--carried

Mayans moved that the preparation of a new lease with the same terms and provisions as the previous lease be approved and the necessary signatures authorized. Motion carried 7 to 0.

SURPLUS PROPERTY MARKETING OF SURPLUS PARCEL NEAR SEWER PLANT 2. (DISTRICT III)

Agenda Report No. 04-0571

The City owns a parcel located north and east of Sewer Plant 2. The parcel is located along the river levee in the 5500 block of South Spruce. The City acquired the parcel in 1963, apparently for access to the river levee. It is no longer needed for this purpose and has become the site of considerable illegal dumping and burning. The parcel contains approximately 1.79 acres and is undeveloped.

City staff has reviewed the request and has no objections to marketing the parcel. It has been a continuing source of complaints concerning illegal dumping and fires. These complaints require City resources to address.

It is recommended that the property be placed on the City's for-sale list on the internet for a minimum of 30 days. In addition, the owner of the mobile home park adjacent to the west and north will be contacted to see if they have any interest in the parcel. Any sale will be brought back to the City Council for approval.

The City will receive cash consideration for the sale of the property. Upon sale, the property will return to the tax rolls.

The Law Department will approve any contracts as to form.

Motion--
--carried

Mayans moved that the property surplus be declared and the marketing strategy as described be approved. Motion carried 7 to 0.

PROPERTY DISP. SALE OF VACANT RESIDENTIAL LOTS. (DISTRICT I)

Agenda Report No. 04-0572

An offer has been received for twelve City-owned vacant residential lots. The lots are located primarily in the McAdams area and the northeast. The lots range in size from 6,500 to 10,500 square feet. These lots were acquired as part of the City's infill housing program in 1994 and were later declared surplus to the project. The lots have been marketed since 1994.

Bryant Construction LLC has offered \$800 per lot for twelve City owned lots. Bryant intends to build single- family residences for low to moderate-income families. The firm is currently securing financing to initiate this project. The firm currently intends to market the properties to first time homeowners.

The City will receive cash consideration from the sale of these parcels. In addition, the sale will relieve the City of maintenance responsibilities and place the property back on the tax rolls. Additional tax value will be created by the development of the parcel.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the real estate purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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LOAN COMMITTEE APPOINTMENT FOR LOAN COMMITTEE.

Agenda Report No. 04-0573

On December 16, 2003, the City Council adopted an ordinance to establish the SBA Micro Loan program and to appoint a Loan Committee. The City Council approved five members to serve on the Loan Committee.

One of the Loan Committee members resigned because of a possible conflict of interest. In order to maintain five members on the Loan Committee it is requested that the City Council select a replacement.

Staff recommends the City Council appoint Orlando Estes to the Loan Committee. Mr. Estes is a practicing attorney in Wichita and has previously served on the Grants Review Committee.

The Ordinance authorizes the City Council to appoint a Loan Committee to be comprised of not less than three nor more than five members, who shall make loan/investment decisions for the provision of City loan loss reserve funds for eligible SBA Micro-loans, providing that at least three members shall constitute a quorum for purposes of conducting business.

Motion--
--carried

Mayans moved that Orlando Estes be approved to serve on the Loan Committee. Motion carried 7 to 0.

SERVER HARDWARE PURCHASE OF SERVER HARDWARE.

Agenda Report No. 04-0574

As a requirement for receipt of Federal funding for Public Housing and Section 8, Housing Services utilizes software to track landlord and tenant information.

The server on which these applications run is over five years old, and can no longer be supported through the City's technology systems. In addition, Housing Services will soon implement new technologies, which will enhance inspection activity. These new technologies will also require the additional speed and storage capabilities of a new server.

Any contract required for the purchase will be reviewed and approved by the Department of Law.

Funds are available in the Section 8 and Public Housing budgets for fiscal year 2004, which can be used for the purchase of a new server, at a cost not to exceed \$16,000.

Motion--
--carried

Mayans moved that the expenditure be approved and the transfer of funds and the necessary signatures authorized. Motion carried 7 to 0.

PURCHASE ORDERS CONTRACTS & AGREEMENTS-BLANKET PURCHASE ORDERS RENEWAL OPTIONS-MAY 2004 AND PROFESSIONAL CONTRACTS UNDER \$10,000 PURCHASE ORDERS FOR MAY 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

LICENSE CONVERSION

CONVERSION OF FIREHOUSE LICENSES TO ENTERPRISE SQL EDITION.

Agenda Report No. 04-0576

Fire began using Firehouse software in January 2000. The original system was based on a database called Foxpro. Since that time, the usage of Firehouse has increased, and the Foxpro database is not able to perform at acceptable levels. In addition, the software vendor that produced Firehouse will no

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longer support the Foxpro database version after December 2004. A Microsoft SQL Server version of Firehouse is now available that provides significant improvements in capacity and performance.

The conversion to SQL Server will improve system performance and enable the continued use of Firehouse by Fire Department personnel for the foreseeable future. Annual maintenance costs for 2005 are expected to increase minimally as a result of this conversion.

The cost of the conversion is \$10,500. Funds are available from the IT/IS Replacement Fund.

The Law Department will review and approve the contracts as to form.

Motion--
--carried

Mayans moved that the purchase of the software conversion from Visionary Systems be authorized. Motion carried 7 to 0.

CIP FUNDS

TRANSFER OF CAPITAL IMPROVEMENT PROJECT FUNDS.

Agenda Report No. 04-0577

Each year, the City Council authorizes the Water & Sewer Department CIP expenditures for the following Capital Improvement Programs:

Reconstruction of Old Sanitary Sewers (S-4)
Sewer Mains for Future Development (S-5)
Water Distribution Mains for Future Development (W-65)
Water Distribution Main Replacement (W-67)

Subprojects are defined and identified as necessary, or as development is taking place. The cost for the project is estimated and a budget set up using funds from the appropriate CIP. When the subproject has been completed, the remaining budget is transferred to the main project, available to be used for other subprojects that are initiated during the same year.

Funds are secured for subprojects each year until final costs for each project are known. Not all projects can be completed in one fiscal year; therefore, not all of the funds for those particular projects can be spent during the year for which they have been approved.

Staff requests authorization to transfer the remaining 2003 funds from these CIPs to the current year's budget and to amend the bond Resolutions for the current year. This will clarify spending and bonding authority for projects not completed in one fiscal year and for any funds remaining, when subprojects are completed in a subsequent fiscal year. The majority of the 2003 subprojects are substantially complete, and these will be closed. This process avoids the need to over-budget for projects in order to cover estimated costs rather than actual costs.

The following amounts were not used in 2003 and are needed in 2004. Transferring the funds will not increase CIP expenditures.

·	S-4	\$1.027 million
·	S-5	\$245,000
·	W-65	\$2.875 million
·	W-67	\$970,000

City Council approval is required to transfer CIP budget authority.

Motion--
--carried

Mayans moved that the transfer of funds be approved; the resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 04-293

A Resolution amending Resolution No. 03-629 pertaining to the reconstruction and/or rehabilitation of Sanitary Sewers (S-004) in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-294

A Resolution amending Resolution No. 03-653 pertaining to the reconstruction of sanitary sewer mains for future development (S-005) in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-295

A Resolution amending Resolution No. 03-651 pertaining to the water Mains for future development (W-065) in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-296

A Resolution amending Resolution No. 03-652 pertaining to the replacement of distribution water mains (W-067) in the City of Wichita, Kansas, pursuant to finds of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

224 NORTH GREEN

SALE OF VACANT LOT AT 224 NORTH GREEN. (DISTRICT I)

Agenda Report No. 04-0578

An offer has been received for the City-owned vacant lot at 224 North Green. The property is a 6,500 square foot vacant residential lot. The parcel was improved with a single-family residence when it was acquired by the City in 1994 as part of the Rehabilitation and Investment Program (RIP) housing renovation program. After acquisition, the improvements were determined to be in too poor condition to make renovation feasible and were removed. The lot has been marketed for sale and redevelopment since 1994.

An offer of \$500 has been received from a contractor. He intends to build a single-family residence on the lot and sell or lease it to one of his employees. The property was acquired with CDBG funds and must be used to provide housing for families with low-to-moderate income. The buyer has agreed to market the property to this type of user.

The City will receive cash consideration from the sale of the property. The sale of this lot will also relieve the City of maintenance responsibilities and place the property back on the tax rolls. Additional tax value will be created by the development of the parcel.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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WATERMAIN

INSTALLATION OF WATERMAIN-CENTRAL FROM 119TH WEST TO 135TH WEST AND 135TH WEST FROM CENTRAL TO ONE-THIRD MILE SOUTH OF CENTRAL. (DISTRICT V)

Agenda Report No. 04-0579

The City of Wichita provides treated drinking water to 415,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999 with a number of significant system improvements recommended to ensure adequate service levels now and in the future.

The installation of a 16-inch water line in Central from 119th Street West to 135th Street West, and a 20-inch water line in 135th from Central to one-third mile south of Central will provide system reinforcement to the western portion of the City's water system. The result will be stabilized system pressure and increased water volume to the area.

The estimated cost for the 16-inch water line in Central is \$310,000 and is in the approved 2005 CIP W-857. The estimated cost for the 20-inch water line in 135th is \$150,000 and is in the approved 2007 CIP W-864. Staff recommends combining the two projects for construction as W-857, with a budget of \$460,000. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--
--carried

Mayans moved that the expenditures be approved; the resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-297

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$460,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WATER MAIN

INSTALLATION OF WATER MAIN-PAWNEE FROM ONE-HALF MILE EAST OF 119TH WEST TO 119TH WEST. (DISTRICT IV)

Agenda Report No. 04-0580

The City of Wichita provides treated drinking water to 415,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999 with a number of significant system improvements being recommended to ensure adequate service levels now and in the future.

The installation of a 16-inch water line in Pawnee from one-half mile east of 119th Street West to 119th Street West will provide system reinforcement to the western portion of the City's water system. The result will be stabilized system pressure and increased water volume to the area.

The budget for this project is \$140,000 and is in the approved CIP W-858. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--
--carried

Mayans moved that the project be approved; the resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 04-298

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$140,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

9th STREET BRIDGE 9TH STREET BRIDGE AT THE WESTLINK DITCH, BETWEEN MAIZE AND TYLER. (DISTRICT V)

Agenda Report No. 04-0581

On March 4, 2004, it was discovered that a failure had occurred to the deck of the 9th Street Bridge over the Westlink Ditch. The bridge was immediately closed. The deteriorated concrete in the deck is extensive and total replacement is needed. The project qualifies for Federal funding administered by the Kansas Department of Transportation. On May 6, 2004, the Staff Screening and Selection Committee selected Professional Engineering Consultants to prepare construction plans. Construction is planned to begin this fall.

The existing structure is a five-chamber concrete box culvert that was built in 1962. 9th Street, between Maize and Tyler, is a collector street that serves a residential area.

The estimated project cost is \$250,000 with \$80,000 paid by the City and \$170,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The Capital Improvement Program will be revised to provide project funding. The design fee is \$25,200.

Motion--

Mayans moved that the project be approved; the design contract approved; the Ordinance placed on First Reading and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance declaring the 9th Street Bridge at the Westlink Tributary to Cowskin Creek (472-84021) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

MURDOCK BRIDGE MURDOCK BRIDGE OVER THE LITTLE ARKANSAS RIVER. (DISTRICT VI)

Agenda Report No. 04-0582

On December 2, 2003, the City Council approved a project to reconstruct the Murdock Bridge over the Little Arkansas River. On May 4, 2004, the City Council approved a project budget increase. On May 7, 2004, bids were opened on the project. All bids exceeded the project budget.

An amending Ordinance has been prepared to increase the authorized budget.

The current budget totals \$1,200,000, with \$400,000 paid by the City and \$800,000 by Federal Grants administered by the Kansas Department of Transportation. The revised budget is \$1,650,000 with \$550,000 paid by the City and \$1,100,000 by Federal Grants. The funding source for the City share is General Obligation Bonds. Funding for the budget increase is available from favorable bids on the Main Street improvement project.

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Motion--carried

Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 45-950 of the City of Wichita, Kansas declaring Murdock Bridge over the Little Arkansas River (472-83895) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CENTURY MFG.

PURCHASE OPTION, CENTURY MANUFACTURING, INC. (DISTRICT II)

Agenda Report No. 04-0583

On March 8, 1994 the City Council approved the issuance of \$4 million in Industrial Revenue Bonds, Series II, 1994. The bonds were used to acquire a site and to construct and equip a new manufacturing plant and corporate headquarters. On December 20, 1994, the City Council also approved the issuance of \$2.5 in Industrial Revenue Bonds, Series XVII, 1994. The proceeds of the bonds were used to finance the construction and equipping of an addition to a new manufacturing plant. The Bonds are secured in part by a Lease Agreement with Century Manufacturing, Inc. ("Tenant").

Under the provisions of the Lease Agreement, the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The City of Wichita on May 20, 2004, received notice from Century Manufacturing, Inc. of its request to exercise its purchase option.

Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series II, 1994 Bonds matured by their terms on March 1, 2004, and the Series XVII, 1994 Bonds were redeemed on March 1, 2004, by an optional call notice by the Tenant. The City has received Trustee certification that the Bonds have been fully paid, and it is now appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Century Manufacturing, Inc. and terminate the IRB lease. The City has already received payment of the \$1,000 purchase option price.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The Resolution authorizes the execution of the Special Warranty Deed and the Termination of Lease Agreement and the delivery of such documents following satisfaction of applicable conditions.

Motion--

Mayans moved that the bond call be ratified; the Resolution approving the Special Warranty Deed, Bill of Sale and the Termination of Lease Agreement be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 04-319

A Resolution Authorizing the City of Wichita, Kansas, to convey certain real property to Century Manufacturing, Inc. and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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YMCA

REDEMPTION OF RECREATIONAL FACILITIES REVENUE BONDS, YMCA. (DISTRICTS I & IV)

Agenda Report No. 04-0584

On August 11, 1998 the City Council approved the issuance of Recreational Facilities Revenue Bonds in an amount not-to-exceed \$9 million to finance facilities for the benefit of the Wichita YMCA. The bond proceeds were used to construct and equip a new YMCA South Branch facility and renovate Camp Hyde. The YMCA is requesting City Council to approve an early call of a portion of the bonds.

Section 302 of the Bond Indenture provides that the Issuer may elect to redeem Bonds subject to optional redemption upon receipt of a written request of the Tenant. The Issuer shall at least 45 days prior to the redemption date give written notice to the Trustee directing the Trustee to call the Bonds. The City received notice from the Tenant of a request to call a portion of the bonds and of the company's intention to redeem \$750,000 on August 1, 2004. Notice will be sent by the trustee to the bondholders on July 1, 2004.

There is no financial impact to the City resulting from the proposed redemption. The Letter of Credit reimbursement agreement with Bank of America will be the direct source of funds for the redemption. The City will continue to receive its annual administrative service fee as provided for under the Bond Documents.

Motion--
--carried

Mayans moved that the Resolution authorizing an early redemption of a portion of the Series 1998 Bonds be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-320

A Resolution of the governing body of the City of Wichita, Kansas, to call a portion of Certain Recreational Facilities Revenue Bonds, Series XI, 1998 (The Young Men's Christian Association of Wichita Project), presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WESLEY RETIREMENT AUTHORIZATION OF SUBLEASE-WESLEY RETIREMENT COMMUNITIES, INC. (DISTRICT II)

Agenda Report No. 04-0585

In 1999, the City of Wichita approved issuance of Health Care Facilities Revenue Bonds, in the amount of \$18,720,000, to Wesley Retirement Communities, Inc., d/b/a/ Larksfield Place for the purpose of refunding outstanding existing debt and to finance additional improvements located at 7373 East 29th Street North. Larksfield Place now wishes to sublease a portion of the facility to the Wichita Area Technical College (WATC).

Pursuant to the terms of Section 9.1 of the Lease, Larksfield has requested the City's consent to the sublease of the Larksfield Place to WATC (currently a division of USD 259), to be used as a training center for Certified Nurse Aides and Licensed Practical Nurses in supplying newly trained health service. Because of the IRB financing, the City, rather than Larksfield Place, has title to the facilities and must therefore formally authorize and consent to the sublease. Larksfield Place has entered into an agreement with USD 259 for use by WATC of a small portion of the building located on the Larksfield campus.

There is no financial impact to the City resulting from the requested change.

The City Attorney's office has reviewed and approved the Consent Agreement as to form. Bond Counsel has provided an opinion that the execution and delivery of the Sublease will not affect the status of interest on the outstanding bonds for federal income tax purposes. The Occupancy Agreement between Larksfield Place and the WATC is permitted under the terms of Section 9.1 of the Lease subject to written consent of the Issuer.

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Motion-- Mayans moved that the Consent Agreement authorizing consent to the sublease of the Larksfield Place to USD 259 be approved and the necessary signatures authorized. Motion carried 7 to 0.
--carried

SIDEWALK REPAIR SIDEWALK REPAIR ASSESSMENTS.

Agenda Report No. 04-0586

City sidewalk inspectors identified sidewalks as trip hazards or in need of repair. These sidewalk sections fail to meet minimum standards for sidewalks and must be repaired and replaced.

Property owners were notified in writing of the necessary sidewalk repairs. They were given the following repair options.

1. To level and reset sections of sidewalk that are not otherwise broken or cracked.
2. Hire a licensed concrete contractor to make the repairs. Only licensed cement contractors are authorized to pour concrete on city right-of-way and requires a permit from the City Engineer.
3. Have the city's contractor make the repairs where the property owners are given the option of paying the cost in full or having it assessed against the property.

Property Owners chose Option 3.

Statements of Charges will be mailed to the property owners on June 18, 2004. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2004 bonds sell. The principal and interest will then be spread over 5-years and placed on the 2004 tax roll.

These assessments are in accordance with City Code 12.18.

Motion-- Mayans moved that the proposed assessments be approved and the ordinance placed on first reading.
--carried Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of Sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

OFF-AGENDA ITEM CLOSING OF CITY HALL ON FRIDAY, JUNE 11, 2004.

Motion-- Mayans moved that the City Council authorize the closing of City Hall and other City of Wichita offices, in the same manner as other national holidays, on Friday, June 11, 2004, for the National Day of Mourning in honor and tribute to the memory of former President Ronald Reagan and his service to our country. Motion carried 7 to 0.
--carried

PLANNING AGENDA

Dale Miller MAPD Current Plans Supervisor reported that the Planning Agenda, except Item 42, could be considered as consensus, unless the Council desired to withhold Items.

Motion-- Mayans moved that the Planning Agenda, excluding Item 42, be approved as presented. Motion carried 7 to 0.
--carried

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ZON2004-00016

ZON2004-00016-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED AT THE NORTHWEST CORNER OF 29TH STREET NORTH AND PARK PLACE. (DISTRICT VI)

Agenda Report No. 04-0587

MAPC Recommendations: Approve subject to Protective Overlay #138. (10-0)

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve subject to Protective Overlay #138.

The applicant is seeking to rezone .14 acre of platted land located at the northwest corner of Park Place and 29th Street North from "SF-5" Single-family Residential to "GC" General Commercial. The site is developed with a masonry block commercial building that has legal nonconforming rights to uses permitted in the "LC" Limited Commercial district that were established in 1961. In the past, the building has been used as an auction house, and more recently it has been used for "vehicle repair, limited." The applicant desires to use the building for "vehicle repair, general" (auto body repair) which is what triggers the need for the "GC" zoning since that would be an intensification of the site's existing permitted nonconforming use rights.

The building was constructed in the County in 1951. The site was annexed by the City of Wichita in 1961, at which time the site was zoned "AA" One-family Dwelling, under the old code. The building appears to have minimum front yard (29th Street) and interior (west) side yard setbacks. Park Place is built to residential street standards, 16 feet of half-street right-of-way, whereas 29th Street is built to four-lane arterial street standards. Access to the site is from Park Place; there are not any drives on 29th Street.

Surrounding properties are a mix of zoning – "SF-5" Single-family Residential, "LC" Limited Commercial, "GI" General Industrial, "LI" Limited Industrial – and uses – single-family residential, auto repair, auction house and warehousing.

The District Advisory Board reviewed this case on May 3, 2004, and recommended approval (9-0), subject to a Protective Overlay (No. 138) that prohibits outside storage. The applicant agreed to the prohibition on outside storage. The MAPC heard the case on May 6, 2004, and recommended approval as recommended by the DAB. No members of the public spoke in opposition at either meeting, and no protest petitions have been received.

Motion--

Mayans moved to Concur with the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay No. 138; and that the Ordinance be placed on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2004-00016

CUP2003-00048;

CUP2003-00048; ZON2003-00044-CREATE DP-267 TYLERS LANDING COMMERCIAL

Agenda Report No. 04-0588

MAPC Recommendations: Approve subject to platting within one year and conditions. (10-0)

MAPD Staff Recommendations: Approve subject to platting within one year and conditions.

DAB Recommendations: Approve subject to staff recommendation and additional conditions. (6-0)

The applicant is requesting to create DP-267 Tylers Landing Commercial Community Unit Plan, which would be a 10+ acre development with seven parcels for commercial use. The property is located on the southeast corner of 37th Street North and Tyler Road. All the parcels are relatively small, with two

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parcels on 37th closest to the intersection being approximately two acres and the remaining parcels being a little more than one acre in size.

Proposed uses are all "LC" Limited Commercial uses except adult entertainment uses, group homes, group residential, correctional placement residences, asphalt/concrete plant, private clubs, taverns, and drinking establishments.

Some restrictions are offered to reduce the conflicts between the commercial development and the nearby residential lots. Drive-through windows associated with restaurants would have to be a minimum of 100 feet from residential zoning. Service stations, vehicle repair, limited and full-service car washes would be prohibited on Parcels 1 and Parcel 7, which are the parcels on the southernmost and easternmost edge of the C.U.P. Car washes associated with convenience stores on Parcels 1 and 7 would be prohibited between the principal building and the residential lots to the south (for Parcel 1) and east (for Parcel 7). Overhead doors could not face any residential zoning district.

Maximum building coverage is 30 percent; floor area ratio is 35 percent. Maximum height is 35 feet. Setbacks are 35 feet for exterior property lines and 15 feet for interior parcels, unless parcels are held in uniform ownership whereby no setback is needed.

Lighting is limited to 24 feet in height. A screening wall is required along the interior property line bordering residential use. The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita and planting of buffer trees along residential property lines at a rate of one tree per 30 feet, and a pedestrian walk system linking buildings with Tyler and 37th Street North.

The C.U.P. calls for architectural compatibility among the tracts and employing materials similar to surrounding residential areas. However, the C.U.P. only would prohibit metal facades on the front of the buildings. The parcels would share a consistent landscape palette and parking lot lighting elements.

As requested, freestanding signs would be monument-style and limited to 20 feet in height. The amount requested is at the upper limits permitted in "LC" of 0.8 square feet per foot of frontage. The maximum size ranging from 170 to 250 square feet exceeds typical neighborhood-scale retail centers on the west side and the property directly to the north of Parcels 5-7, which have a maximum size of 96 square feet (with multiple tenants) per sign and a total amount at 0.5 square feet per foot of frontage. The C.U.P. prohibits off-site and portable signs, limits interior window display to 25 percent of window area, and prohibits wall signs on the rear of buildings.

The surrounding property is vacant or in suburban use except for the Maize Middle School South located to the west. The Maize School district has a 100-acre tract for future construction of a high school. The property to the north is zoned SF-5 but approved for "LC" with a protective overlay. The property to the south and southeast is platted for "SF-5" Single-family use. The land to the northwest is shown as being in the city of Maize. Current use is suburban lots.

The original request had greater intensity of uses and less site development restrictions than the revised request now under consideration. The District V Advisory Board heard the original request on October 6, 2003, and voted (8-0) to refer it back to Planning staff to work with the agent and property owners to address issues of use restrictions, setbacks, facades for metal buildings, and traffic impact/access points. Next the case was deferred from the October 9, 2003 MAPC meeting to address these issues.

The revised request being considered lowered the intensity of uses on the two parcels on the eastern edge and southern edge of the C.U.P., adjusted the access point on Tyler Road to align with the school entrance, and added some setback/use restrictions and screening along the rear property lines. Signage was reduced, but staff recommended additional reductions in signage size. Staff also recommended prohibiting facades with primarily metal exteriors.

At the District V Advisory Board meeting held May 3, 2004, the DAB discussion continued to emphasize the need to restrict uses and site development. The DAB members voted (6-0) to recommend the C.U.P. adhere to the same requirements approved for commercial property on the northern side of 37th Street North (ZON2003-00046) for Parcels 1-3 and 5-7. DAB V recommended only Parcel 4 (the corner parcel) should be approved per staff recommendations. An additional

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requirement for Parcels 1-3 and 5-7 would be to restrict light poles, including base and fixtures, etc, to no more than 14 feet within 150 feet of the residential zoning. Uses would be as permitted in the "NR" district except that a restaurant would be allowed to be up to 8,000 square feet in size and a drive-through window be allowed as long as it was more than 100 feet from the property line (which is the same drive-through window restriction as shown on the revised C.U.P.). The DAB recommendation would eliminate uses such as a convenience store, car wash, and vehicle repair, limited. Signage would be per "NR" signage regulations, which would further reduce the maximum size of freestanding signage to 96 square feet per sign. Height would increase from 20 feet to 22 feet.

At the MAPC meeting held May 6, 2004, the agent agreed to accept all staff recommendations, but not the DAB recommendations. MAPC voted (10-0) to approve subject to staff recommendations, which are it be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00044) to "LC" Limited Commercial;
- B. APPROVE the Community Unit Plan (DP-267), subject to the following conditions:
 1. Transportation requirements:
 - a. A site plan for shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 - b. The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property.
 - c. The applicant shall provide a guarantee for center left-turn lane along 37th Street North and Tyler Road.
 - d. Location of the major entrance on Tyler Road shall be located across from the major entrance to Maize South Middle School.
 - e. Access points shall be in conformance with the Access Management Policy.
 - f. The developer shall guarantee 12-½ percent share of cost for the intersection signalization at Tyler Road and 37th Street North.
 - g. Provision of a traffic impact study is not required if the applicant accepts the above recommendations.
 2. No development shall be allowed along 37th Street North until the street is paved to a two-lane county standard.
 3. General Provision #7 shall be amended as follows:
Parcel 1: 170 sq. ft. of signage, located at least 75 feet from southern property line
Parcel 4: 150 sq. ft. of signage on each frontage (maximum of 2 signs)
Parcel 5: 150 sq. ft. of signage
Parcel 6: 150 sq. ft. of signage
Parcel 7: 150 sq. ft. of signage, located at least 75 feet from eastern property line.
 4. Amend to General Provision #16 as follows: "No predominately metal facades shall be allowed."
 5. Add to General Provision # 18: Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited.
 6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 7. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 8. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be
 9. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-267) includes special conditions for development on this property.

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10. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

No protests have been received.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved to concur with the findings of the MAPC and approve the zone change and creation of DP-267 C.U.P. subject to platting within one year and the recommended conditions; and the planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

ZON2003-00044

COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTHEAST CORNER OF 37TH STREET NORTH AND TYLER ROAD. (DISTRICT V)

Agenda Report No. 04-0588

MAPC Recommendations: Approve subject to platting within one year and conditions. (10-0)

MAPD Staff Recommendations: Approve subject to platting within one year and conditions.

DAB Recommendations: Approve subject to staff recommendation and additional conditions. (6-0)

The applicant is requesting to create DP-267 Tyler's Landing Commercial Community Unit Plan, which would be a 10+ acre development with seven parcels for commercial use. The property is located on the southeast corner of 37th Street North and Tyler Road. All the parcels are relatively small, with two parcels on 37th closest to the intersection being approximately two acres and the remaining parcels being a little more than one acre in size.

Proposed uses are all "LC" Limited Commercial uses except adult entertainment uses, group homes, group residential, correctional placement residences, asphalt/concrete plant, private clubs, taverns, and drinking establishments.

Some restrictions are offered to reduce the conflicts between the commercial development and the nearby residential lots. Drive-through windows associated with restaurants would have to be a minimum of 100 feet from residential zoning. Service stations, vehicle repair, limited and full-service car washes would be prohibited on Parcels 1 and Parcel 7, which are the parcels on the southernmost and easternmost edge of the C.U.P. Car washes associated with convenience stores on Parcels 1 and 7 would be prohibited between the principal building and the residential lots to the south (for Parcel 1) and east (for Parcel 7). Overhead doors could not face any residential zoning district.

Maximum building coverage is 30 percent; floor area ratio is 35 percent. Maximum height is 35 feet. Setbacks are 35 feet for exterior property lines and 15 feet for interior parcels, unless parcels are held in uniform ownership whereby no setback is needed.

Lighting is limited to 24 feet in height. A screening wall is required along the interior property line bordering residential use. The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita and planting of buffer trees along residential property lines at a rate of one tree per 30 feet, and a pedestrian walk system linking buildings with Tyler and 37th Street North.

The C.U.P. calls for architectural compatibility among the tracts and employing materials similar to surrounding residential areas. However, the C.U.P. only would prohibit metal facades on the front of the buildings. The parcels would share a consistent landscape palette and parking lot lighting elements.

As requested, freestanding signs would be monument-style and limited to 20 feet in height. The amount requested is at the upper limits permitted in "LC" of 0.8 square feet per foot of frontage. The maximum size ranging from 170 to 250 square feet exceeds typical neighborhood-scale retail centers on the west side and the property directly to the north of Parcels 5-7, which have a maximum size of 96 square feet

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(with multiple tenants) per sign and a total amount at 0.5 square feet per foot of frontage. The C.U.P. prohibits off-site and portable signs, limits interior window display to 25 percent of window area, and prohibits wall signs on the rear of buildings.

The surrounding property is vacant or in suburban use except for the Maize Middle School South located to the west. The Maize School district has a 100-acre tract for future construction of a high school. The property to the north is zoned SF-5 but approved for "LC" with a protective overlay. The property to the south and southeast is platted for "SF-5" Single-family use. The land to the northwest is shown as being in the city of Maize. Current use is suburban lots.

The original request had greater intensity of uses and less site development restrictions than the revised request now under consideration. The District V Advisory Board heard the original request on October 6, 2003, and voted (8-0) to refer it back to Planning staff to work with the agent and property owners to address issues of use restrictions, setbacks, facades for metal buildings, and traffic impact/access points. Next the case was deferred from the October 9, 2003 MAPC meeting to address these issues.

The revised request being considered lowered the intensity of uses on the two parcels on the eastern edge and southern edge of the C.U.P., adjusted the access point on Tyler Road to align with the school entrance, and added some setback/use restrictions and screening along the rear property lines. Signage was reduced, but staff recommended additional reductions in signage size. Staff also recommended prohibiting facades with primarily metal exteriors.

At the District V Advisory Board meeting held May 3, 2004, the DAB discussion continued to emphasize the need to restrict uses and site development. The DAB members voted (6-0) to recommend the C.U.P. adhere to the same requirements approved for commercial property on the northern side of 37th Street North (ZON2003-00046) for Parcels 1-3 and 5-7. DAB V recommended only Parcel 4 (the corner parcel) should be approved per staff recommendations. An additional requirement for Parcels 1-3 and 5-7 would be to restrict light poles, including base and fixtures, etc, to no more than 14 feet within 150 feet of the residential zoning. Uses would be as permitted in the "NR" district except that a restaurant would be allowed to be up to 8,000 square feet in size and a drive-through window be allowed as long as it was more than 100 feet from the property line (which is the same drive-through window restriction as shown on the revised C.U.P.). The DAB recommendation would eliminate uses such as a convenience store, car wash, and vehicle repair, limited. Signage would be per "NR" signage regulations, which would further reduce the maximum size of freestanding signage to 96 square feet per sign. Height would increase from 20 feet to 22 feet.

At the MAPC meeting held May 6, 2004, the agent agreed to accept all staff recommendations, but not the DAB recommendations. MAPC voted (10-0) to approve subject to staff recommendations, which are it be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00044) to "LC" Limited Commercial;
- B. APPROVE the Community Unit Plan (DP-267), subject to the following conditions:
 - 1. Transportation requirements:
 - a. A site plan for shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 - b. The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property.
 - c. The applicant shall provide a guarantee for center left-turn lane along 37th Street North and Tyler Road.
 - d. Location of the major entrance on Tyler Road shall be located across from the major entrance to Maize South Middle School.
 - e. Access points shall be in conformance with the Access Management Policy.
 - f. The developer shall guarantee 12-1/2 percent share of cost for the intersection signalization at Tyler Road and 37th Street North.

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- g. Provision of a traffic impact study is not required if the applicant accepts the above recommendations.
2. No development shall be allowed along 37th Street North until the street is paved to a two-lane county standard.
3. General Provision #7 shall be amended as follows:
Parcel 1: 170 sq. ft. of signage, located at least 75 feet from southern property line
Parcel 4: 150 sq. ft. of signage on each frontage (maximum of 2 signs)
Parcel 5: 150 sq. ft. of signage
Parcel 6: 150 sq. ft. of signage
Parcel 7: 150 sq. ft. of signage, located at least 75 feet from eastern property line.
4. Amend to General Provision #16 as follows: "No predominately metal facades shall be allowed."
5. Add to General Provision # 18: Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
8. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be
9. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-267) includes special conditions for development on this property.
10. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

No protests have been received.

Motion--

Mayans moved that Council Concur with the findings of the MAPC and approve the zone change and creation of DP-267 C.U.P. subject to platting within one year and the recommended conditions; and that the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

(Item 42)

CUP2003-00065

CUP2003-00065-ASSOCIATED WITH ZON2003-00074, CREATION OF DP-273 PRAIRIE POND PLAZA C.U.P. AND ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF KELLOGG AND 143RD STREET EAST. (DISTRICT II)

Dale Miller

MAPD Current Plans Supervisor stated that the only change on item 42 is that the applicant and the neighbors have agreed to an 8 foot wall which was not part of the MAPC's considerations and if the Council agrees to this that the motion will be different than what the MAPC approved and that it takes a two-third majority vote to add this as a requirement.

Agenda Report No. 04-0589

MAPC Recommendations: Approve, subject to platting within one-year and conditions. (10-0)
MAPD Staff Recommendations: Approve, subject to platting within one-year and conditions.
DAB Recommendations: DAB II re-heard June 7, 2004.

The applicant proposes a 17-acre C.U.P located on the northeast corner of Kellogg and 143rd Street East with six development parcels. The two larger parcels are approximately 6 acres and 4.5 acres, and four smaller parcels are approximately 1 acre.

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Proposed zoning for Parcels 1, 2, 4, 5 and 6 is “LC” Limited Commercial. Proposed uses include: banks or financial institutions; assisted living; retail, general and restaurants, including drive-through restaurants. The applicant has agreed to prohibit overhead doors and drive through windows within the northern 100 feet of the parcels.

Many uses are prohibited, including the following uses: group residence; correctional facility; correctional placement residence; group home; halfway house; recycling collection; animal care; bed and breakfast inn; funeral home; heliport; kennel; marine facility; monument sales; night club; pawn shop; recreational vehicle campground; secondhand store; tavern and drinking establishment; asphalt or concrete plant; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; agricultural research; and adult entertainment establishments and sexually oriented business. Additionally, vehicle sales, outdoor, would be prohibited by the recommendations adopted at the MAPC hearing.

Proposed zoning for Parcel 3 (0.98 acre) would be “NR” Neighborhood Retail. This is the parcel nearest the Park East Addition residential area along 143rd Street East. The “NR” zoning restricts the intensity of use to smaller scale retail, prohibits drive-through windows with restaurants, and eliminates auto-related uses such as service stations, convenience stores and vehicle repair.

The C.U.P. proposes signage per the Sign Code, with no portable or off-site signs, flashing, moving or rotating lights allowed and typical C.U.P. signage requirements.

Architectural design, color (with earth tone as predominate color) and texture are to be consistent for Parcels 1 and 2; this can be waived for other parcels if the landscaped street yard and buffer is increased to 1.5 times the minimum ordinance requirements. All parcels are to share similar or consistent lighting limited to 14 feet in height within 100 of residential zoning and 20 feet on remainder of the tract. A masonry screening wall six to eight feet in height is proposed for north and east property lines. Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited.

Maximum building coverage is 30 percent; maximum gross floor area is 35 percent. Building setbacks are 35 feet for northern property line, the streets and between Parcels 1 and 2. Setbacks are 15 feet between interior parcels but can be eliminated if contiguous parcels are developed in same ownership. Cross-lot circulation is required. Building height was requested initially at 45 feet, but the agent indicated that 35 feet was adequate at the MAPC meeting.

The site has a large existing pond, approximately an acre in size, located roughly on the south of the site along the boundary of the two large parcels. Actual location of the drainage easements and reserves will need to be identified as part of platting.

The property to the north and south is zoned for single-family use and in single-family development with large lots ranging from two-third acre to over an acre. Park East Addition borders the proposed C.U.P. on the north and Springdale Lakes Addition is located south of Kellogg. The land to the east is zoned “SF-20” and vacant. The land to the west of 143rd Street East is platted and zoned for commercial use, with a 100-foot buffer reserve of “SF-5” along the street that is also a pipeline easement. The three parcels closest to Prairie Pond Plaza are approved for “LC” use except for group homes, group residential, correctional placement residences, private clubs, taverns and drinking establishments.

At the District II Advisory Board held May 3, 2004, representatives of Park East, Springdale Lakes and Springdale East neighborhoods were present and expressed concerns. Park East residents requested an eight-foot wall on the north property line, and providing a 100-foot buffer on the east side of 143rd such as on the C.U.P. to the west of 143rd (Meadow Land C.U.P.). They also requested a 35-foot maximum building height, requiring architectural compatibility for Parcels 1 and 2, and not allowing car lots, billboards and drive-through restaurants. They said the high-speed traffic on Kellogg and sight distance visibility problems on 143rd Street East are traffic hazards. Another traffic concern was the difficulty from turning left onto Kellogg from Stagecoach Street across from the eastern edge of the property where there is a median cut on Kellogg. Staff noted that KDOT has the authority to close this median at any time it deems necessary for safety or other reasons. Apparently the Springdale East area has no other easy access westward except via Harry. Springdale Lakes residents requested shielding lights

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downward in all directions rather than just the east and north. The advisory board voted (8-0) to defer the item pending the MAPC hearing and continued discussion of applicant and area residents.

At the MAPC meeting held May 6, 2004, the applicant agreed to shield lights in all directions, reduce maximum building height to 35 feet, increase the landscape buffer to 1.5 times the Landscape Ordinance requirements, eliminate vehicle sales as a use, and agreed to add architectural compatibility for Parcels 1 and 2. The applicant's agent also stated that he would be meeting with neighborhood representatives for additional discussions between the MAPC hearing and the item being heard at Wichita City Council. MAPC voted (10-0) to recommend approval subject to staff recommendations plus the additional requirements agreed to by the applicant. The MAPC recommendation is to APPROVE, subject to platting within one year and subject to the following conditions:

A. APPROVE the zone change (ZON2003-00074), subject to platting of the entire property within one year;

B. APPROVE the Community Unit Plan (DP-273), subject to the following conditions:

1. Transportation Improvements:

(A) The applicant shall agree to share the cost of the following improvements, with details to be determined at time of platting. Access controls: dual southbound left turn lanes from 143rd to Kellogg, dual left turn lanes from Kellogg to 143rd, exclusive southbound right turn lane from 143rd to Kellogg, exclusive westbound right turn lane from Kellogg to 143rd and traffic signal modification at 143rd Street East and Kellogg.

(B) Access controls shall be in accordance with the Access Management Policy.

(C) A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.

2. Add a general provision to state: Prior to issuing building permits, a plan for a pedestrian walk system shall be submitted and approved by the Planning Director. This walk system shall link sidewalks along 143rd and between the proposed buildings as determined necessary by the Planning Director.

3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

5. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

6. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-273) includes special conditions for development on this property.

7. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

8. Parcel 1 Item F: Maximum building height shall not be greater than 35 feet.

Parcel 2 Item F: Maximum building height shall not be greater than 35 feet.

Parcel 3 Item F: Maximum building height shall not be greater than 35 feet.

Parcel 4 Item F: Maximum building height shall not be greater than 35 feet.

Parcel 5 Item F: Maximum building height shall not be greater than 35 feet.

Parcel 6 Item F: Maximum building height shall not be greater than 35 feet.

9. General Provision 10: Change as follows: All exterior lighting shall be shield to prevent light disbursement in all directions.

10. General Provision 13: Add Item D. The landscape buffer along the northern property line shall be 1.5 times landscape buffer requirement of the City of Wichita Landscape Ordinance.

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11. General Provision 16: Amend as follows: Delete second sentence and eliminate vehicle and equipment sales, outdoor.
12. General Provision 17: Revise to require architectural compatibility for Parcels 1 and 2.

Since the MAPC meeting the agent has met with neighborhood representatives. Staff has been verbally informed that the agent agreed to provide an eight-foot wall along the northern boundary as an additional condition.

The case is scheduled for rehearing at the District II Advisory Board meeting on June 7, 2004.

Council Member Schlapp Council Member Schlapp stated that her DAB was very pleased with this and that the applicant went out to the neighborhood and they came up with an agreement.

Motion-- Schlapp moved to concur with the findings of the MAPC and approve the zone change and creation of DP-273 C.U.P. subject to platting within one year and the recommended conditions to include an eight-foot masonry wall and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

SUB2003-78

SUB 2003-78-PLAT OF HAMPTON SQUARE ADDITION, LOCATED ON THE NORTHWEST CORNER OF MAIZE ROAD AND 37TH STREET NORTH. (DISTRICT V)

Agenda Report No. 04-0590

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This site, consisting of nine (9) lots on 22.3 acres, is located within Wichita's city limits. A zone change (ZON 2002-29) from SF-5, Single-Family Residential District to LC, Limited Commercial District has been approved. The site is subject to the provisions of the 37th and Maize Commercial CUP (CUP 2002-25, DP-262) and a CUP Certificate have been submitted.

Petitions, all 100%, and a Certificate of Petitions have been submitted for a traffic signal, sanitary sewer, water-main and paving improvements. As requested by City Engineering, an Off-Site Drainage and Utility Easement were submitted. A Cross-Lot Access Agreement with the property to the north was submitted, effective upon platting of that property for any commercial development. In accordance with the CUP approval, a Restrictive Covenant for cross-lot access was submitted to assure internal vehicular movement between the lots.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The CUP Certificate, Certificate of Petitions, Off-Site Drainage and Utility Easement, Cross-Lot Access Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion-- Mayans moved that the Documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted and the Ordinance placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-299

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89964 (west of Maize, north of 37th North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-300

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 7, Northwest Interceptor Sewer, 468-83826, (west of Maize, north of 37th North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-301

Resolution of findings of advisability and Resolution authorizing construction of accel/decel lane on the west side of Maize Road from the north line of 37th Street North to the north line of Lot 2, Block 1, Hampton Square (west of Maize, north of 37th North) 472-84036, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-302

Resolution of findings of advisability and Resolution authorizing constructing a left-turn lane to serve the north bound left-turn movements fro 37th Street North to the access opening between Lots 2 and 3, Block 1, Hampton Square (west of Maize, north of 37th North) 472-84037, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-303

Resolution of findings of advisability and Resolution authorizing constructing an accel/decel lane on the north side of 37th Street North from the east line of Lot 6, Block 1, to the west line of Lot 8, Block 1, Hampton Square (west of Maize, north of 37th North) 472-84038, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-304

Resolution of findings of advisability and Resolution authorizing constructing a left-turn lane to serve the east bound left-turn movements from 37th Street North to the major entrance between Lots 7 and 8, Block 1, Hampton Square (west of Maize, north of 37th North) 472-84039, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-305

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal o Maize Road for a "T" intersection located approximately 1,050 feet north of 37th Street North (west of Maize, north of 37th North) 472-84040, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2002-29)

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SUB2003-87

SUB 2003-87-PLAT OF RALPH REED ADDITION, LOCATED ON THE SOUTHEAST CORNER OF HARRY AND GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 04-0591

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (13-0)

This unplatted site, consisting of one (1) lot on .77 acres, is located within Wichita's city limits. The site is zoned LC, Limited Commercial District. Municipal services are available to serve the site.

As required by access control being dedicated by this plat, a Drive Approach Closure Certificate was submitted. A Restrictive Covenant for Future Cross-Circulation has been provided to permit cross-lot access for the benefit of abutting properties.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

The Drive Approach Closure Certificate and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SUB2003-111

SUB 2003-111-PLAT OF MY HOUSE ADDITION, SOUTH OF 55TH STREET SOUTH, WEST OF BROADWAY. (DISTRICT IV)

Agenda Report No. 04-0592

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of 30 lots on 7.26 acres, is a replat of Lots 21 and 28, Vandale Addition. This site is located within Wichita's city limits and is zoned SF-5, Single Family Residential District.

Petitions, all 100%, and a Certificate of Petitions have been submitted for sewer, drainage, water and paving improvements. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant was submitted outlining restrictions for lot-owner use of these easements. As required, a Restrictive Covenant was submitted to provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. A Restrictive Covenant was also submitted to create a homeowner's association to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

The Certificate of Petitions and Restrictive Covenants (3) will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-315

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89977 (south of 55th Street South, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-316

Resolution of findings of advisability and Resolution authorizing construction of Lateral 499, Southwest Interceptor Sewer, 468-83835, (south of 55th Street South, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-317

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 235, 468-83836, (south of 55th Street South, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-318

Resolution of findings of advisability and Resolution authorizing improving W. 56th Cir. S., from the west line of Minnie Avenue west to and including the cul-de-sac, and on Wayne Circle, from the west line of Minnie Avenue, west to and including the cul-de-sac, 472-84049, (south of 55th Street South, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB2004-12

SUB 2004-12-PLAT OF WEST HIGH SCHOOL ADDITION, LOCATED ON THE NORTH SIDE OF LINCOLN, EAST OF SENECA. (DISTRICT IV)

Agenda Report No. 04-0593

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (6-3)

The negative Planning Commission votes indicated the Commissioners' concern with street right-of-way.

This site, consisting of one lot on 26.01 acres, is a replat of portions of the Elmdale Addition, Glendale Addition and the Stratton Addition. This site is located within the City limits and is zoned MF-29, Multi-Family Residential District. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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SUB2004-28

SUB 2004-28-PLAT OF VOGELI THIRD ADDITION, LOCATED SOUTH OF CENTRAL ON THE WEST SIDE OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 04-0594

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-1)

The negative Planning Commission vote indicated a Commissioner's concern with cross-lot circulation.

This unplatted site, consisting of one lot on 1.59 acres, is located within Wichita's city limits. A zone change (ZON 2003-65) for Lot 1, Block A, from SF-5, Single-Family Residential District to GC, General Commercial District has been approved. Municipal services are available to serve the site.

Although not required by MAPC, a Restrictive Covenant was submitted that permits future cross-lot access with the abutting property owners to the north and south along Maize Road. A Restrictive Covenant was also submitted to provide for ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Restrictive Covenants will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures be authorized and the Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of deeds. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the rules laid over. ZON 2003-65

SUB2004-34

SUB 2004-34-PLAT OF THE WATERFRONT THIRD ADDITION, LOCATED NORTH OF 13TH STREET NORTH ON THE EAST SIDE OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 04-0595

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of two lots on 6.36 acres, is a replat of a portion of the Waterfront Addition. This site is zoned LI, Limited Industrial District, and is located within Wichita's city limits. Municipal services are available to serve the site.

This site is within the noise impact area of Jabara Airport; therefore, a Restrictive Covenant and an Avigational Easement have been submitted.

Since this is a replat of a previous addition involved with the ownership and maintenance of the reserves, a Restrictive Covenant has also been submitted to provide for the continued sharing in the ownership and maintenance responsibilities of the previously platted reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

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The Restrictive Covenants (2) and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized.
Motion carried 7 to 0.

SUB2004-35

SUB 2004-35-PLAT OF SHADY RIDGE ADDITION, LOCATED SOUTH OF CENTRAL, EAST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0596

Staff Recommendation: Approve the plat.
MAPC Recommendation: :Approve the plat. (11-0)

This site, consisting of 36 lots on 14.58 acres, is a replat of a portion of the Woodland Heights Second Addition and is subject to the Farmington Square Community Unit Plan (DP-59).
The site is zoned MF-18, Multi-Family Residential District and is located within Wichita's city limits.

Petitions (100 percent) and a Certificate of Petitions have been submitted for sewer, water and paving improvements. This site is within the noise impact areas of Mid-Continent Airport; therefore, a Restrictive Covenant and an Avigational Easement has been submitted. The applicant has submitted a Restrictive Covenant that provides four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. Since this site proposes platting narrow street right-of-way adjacent to 15-foot street drainage and utility easements, a Restrictive Covenant has been submitted outlining restrictions for lot-owner use of these easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

The Certificate of Petitions, Restrictive Covenants (3) and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved, the necessary signatures be authorized and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-306

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89978 (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.
Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-307

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89979 (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.
Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-308

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89980 (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.
Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-309

Resolution of findings of advisability and Resolution authorizing construction of Lateral 500, Southwest Interceptor Sewer, 468-83837, (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-310

Resolution of findings of advisability and Resolution authorizing construction of Lateral 501, Southwest Interceptor Sewer, 468-83838, (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-311

Resolution of findings of advisability and Resolution authorizing construction of Lateral 502, Southwest Interceptor Sewer, 468-83839 (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-312

Resolution of findings of advisability and Resolution authorizing improving Shade Ct., serving Lots 26 through 36, Block 1, from the west line of Shade Lane. to and including the cul-de-sac, 472-84051, (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-313

Resolution of findings of advisability and Resolution authorizing improving Shade Ct., serving Lots 12 through 25, Block 1, from the north line of Shade Lane. to and including the cul-de-sac, 472-84052, (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-314

Resolution of findings of advisability and Resolution authorizing improving Shade Ct., serving Lots 1 through 11, Block 1, from the north line of Shade Lane. to and including the cul-de-sac, 472-84053, (south of Central, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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VAC2004-00014

VAC2004-00014-REQUEST TO VACATE PLATTED UTILITY EASEMENTS, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE GREENWICH ROAD-HARRY STREET INTERSECTION. (DISTRICT II)

Agenda Report No. 04-0597

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of the platted 10-foot utility easement that runs parallel to the south side of Lots 4, 5 & 7, Block A, the Smithmoor Commercial Addition and the platted 10-foot utility easement that runs parallel to the north side of Lot 8, Block A, the Smithmoor Commercial Addition. The site is located in CUP DP-243. The Smithmoor Commercial Addition was recorded with the Register of Deeds January 6, 2000.

The applicant proposes development of the site. There are no water, sewer or other utilities in the easements. There are no plans for future water, sewer or other utilities to be located in the easements. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2004-00015

VAC2004-00015-REQUEST TO VACATE A PORTION OF A PLATTED DRAINAGE EASEMENT LOCATED NORTHEAST OF THE 29TH STREET NORTH-RIDGE ROAD INTERSECTION, MORE SPECIFICALLY NORTH OF THE 29TH STREET NORTH-NORTH RIDGE PORT STREET INTERSECTION, 3221 NORTH SHORE COURT. (DISTRICT V)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of a portion of the platted 20-foot drainage easement that runs parallel to the west side of Lot 46, Block 4, Ridge Port Addition. The Southern Ridge Addition was recorded with the Register of Deeds June 8, 2004.

The applicant's house has been built into a portion of the platted easement, as described in the legal description. There are no sewer, water lines or other utilities in the easement in the platted easement. There is a storm water drainage line in the easement. 10-foot of the platted 20-foot drainage easement is in applicant's lot. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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VAC2004-00016

VAC2004-00016-REQUEST TO VACATE A PORTION OF PLATTED STREET RIGHT-OF-WAY AND PLATTED SETBACKS GENERALLY LOCATED NORTHWEST OF THE HARRY STREET-127TH STREET EAST INTERSECTION, MORE SPECIFICALLY NORTH OF THE MELODY LANE-EAST LYNNE AVENUE INTERSECTION. (DISTRICT II)

Agenda Report No. 04-0599

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicants are requesting consideration to vacate the approximately 411-foot long (x) 61-foot wide portion of the Melody Street ROW as dedicated in the East Lynn Addition, located north of the Melody Lane – East Lynne Avenue intersection and abutting the east side of Lot 5, East Lynn Addition and abutting the west side of Lot 6, East Lynn Addition. The East Lynn Addition was recorded October 3, 1953.

Melody Lane currently dead-ends into Lot 54, Woodland Lakes Estates 3rd Addition; the Woodland Lakes Estates 3rd Addition was recorded April 4, 2003. The recording of this subdivision eliminated the possibility of extending Melody Lane north. There is sewer and a manhole in the Melody Lane ROW, but no water. Storm Water has requested that the ROW be retained as a drainage easement. The applicants are also requesting that the platted 25-foot setbacks that run parallel to Melody Lane and the east side Lot 5 and the west side of Lot 6, both in the East Lynne Addition, be vacated and replaced with the current UZC's interior side setback for the "SF-5" zoning district, which is 6-foot. Reversion rights of the vacated Melody Lane ROW would go to the applicants. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, retain all of the vacated ROW as easement, vacate the described platted setbacks and replace with the Unified Zoning Code's setbacks for this zoning district and reversion rights are to the applicants

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

AIRPORT AGENDA

Motion--carried

Mayans moved to approve the Airport Agenda Items as presented. Motion carried 7 to 0.

JANITORIAL SERV.

AGREEMENT-ALTERNATIVE SOURCES-JANITORIAL SERVICES.

Agenda Report No. 04-0600

As a part of a lease agreement entered into between the Wichita Airport Authority and General Services Administration for space leased by the Transportation Security Administration on the second floor of the terminal building, the WAA agreed to provide janitorial services. A Request for Proposal was released on April 13, 2004 to solicit companies interested in providing these services.

Proposals were reviewed by a selection committee, and based upon the requirements and specifications contained in the proposal package, Alternative Sources was recommended.

Cost for providing these services is \$8,400 per year, and will be recovered through rental charges to the General Services Administration. The agreement is for a one-year term, and includes two, one-year options to extend the agreement subject to the renegotiation of fees.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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EXPRESSJET

EXPRESSJET AIRLINES D/B/A CONTINENTAL EXPRESS-SUPPLEMENTAL AGREEMENT NO. 3.

Agenda Report No. 04-0601

The Wichita Airport Authority has a uniform lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. The term of the agreement is through December 31, 2004. ExpressJet is interested in leasing a small area for storage in the operations area of the terminal building.

Space is available adjacent to ExpressJet's current leasehold. The airline agreement allows space to be added by contract amendment. The supplemental agreement includes an exhibit, which reflects the leasing of an additional 82 sq.ft. of storage area.

The current rate for use of operations space is \$29.36 per sq. ft. This will result in annual revenue to the WAA of \$2,408.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

MARKETING

AIRPORT MARKETING.

Agenda Report No. 04-0602

It is the policy of the Wichita Airport Advisory Board to fund marketing programs aimed at stimulating the use of Wichita Mid-Continent Airport. Such programs may be directed from time to time on a temporary basis toward the use of air carriers who introduce and sustain new discount service. Mid-Continent Airport has been experiencing new and expanded airline service with the arrival of recent carriers. The Airport Advisory Board has determined that it is in the best public interest to promote these services to educate travelers. It is critical to Airport success that those in the catchments area be aware of these services and utilizes them. Prior marketing efforts have contributed to the growth of passengers at Mid-Continent.

On November 11, 2003, the City Council approved the airport agency of record that was selected from a formal request for proposal process. The selection committee included a representative of the Fair Fare\$ Board, Airport Advisory Board, Airport Staff, Marketing Director and Purchasing Director. The recommendation that the selection committee made was to contract with Sullivan Higdon Sink as the agency of record for the year. SHS worked the first six months of the year implementing a strategic marketing campaign aimed at increasing passenger volume through Mid-Continent Airport. During this time period on average the increase of passengers was 10%.

On May 11, 2004, the City of Wichita recognized the importance of maintaining a relationship with the low cost carrier, AirTran Airways. With the continued cooperation through this partnership, the goal of SHS, the Airport Advisory Board and Fair Fare\$ board is to continue low cost service through Mid-Continent. One major component to achieve this goal is to implement a strategic marketing plan throughout the State of Kansas.

An extended work program with Sullivan Higdon and Sink would further develop overall growth at the airport and increase emphasis on public education for the benefits of flying AirTran Airways. This program includes many strategic facets such as all statewide media analysis and recommendation for purchase, creative development for advertising media including outdoor, magazine, newspaper, radio and non-traditional medium. It would also include development of unique promotions aimed specifically at increasing ridership on AirTran. Plus the conception and creating of a "tool kit" that would be used by volunteers and staff for one-on-one discussions with company travel decision-makers.

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Often an agency would require compensation of up to 25% of the overall program. However, because SHS is committed to the success of this program, the agency has agreed to 15% total program compensation and they will not charge an agency fee on the overall media buy. This partnership demonstrated by SHS has been very well received with all members of the Fair Fare\$ board and airport and marketing staff. Staff has reviewed the program and recommends implementation to begin by July 1, 2004.

The contract with Sullivan Higdon Sink will not exceed \$350,000 for marketing, planning and implementation of the airport campaign. The allocation is available in the Airport budget with an adjustment.

Motion--carried Mayans moved to continue utilizing the services of Sullivan Higdon Sink. Motion carried 7 to 0.

HOUSING AGENDA

GRANT

GRANT APPLICATION.

Mary K. Vaughn Director of Housing Services reviewed the item.

Agenda Report No. 04-0603

The Department of Housing and Urban Development (HUD) has issued a 2004 Notice of Funding Availability (NOFA) for the continued funding of the Family Self Sufficiency (FSS) Program Coordinator position. The NOFA also allows housing authorities to request funding for one additional FSS program coordinator to support homeownership activities for its FSS program participants.

The FSS program is a requirement established by HUD several years ago as a condition of receiving additional Section 8 vouchers. The program is voluntary for any given tenant, however, it establishes a considerable incentive for Section 8 tenants to increase their income potential and eventually become independent of public assistance. The FSS coordinator works with the program participants to facilitate the connection with community resources for job training, education, and other services that would enable Section 8 clients to achieve self-sufficiency. While not a goal required by HUD, numerous FSS participants have entered the Homeownership 80 program and/or the Section 8 homeownership program upon completion of the FSS program and have become homeowners.

The FSS program is a HUD requirement. Housing authorities administering a Section 8 program must offer the FSS program.

The amount of the 2004 application is \$171,061.00. This amount would cover the salary and fringe benefits of two family self-sufficiency program coordinators currently employed and one new coordinator to support homeownership activities. This funding will enable the housing authority to employ the staff required to administer the program through 2005.

Council Member Martz Council Member Martz stated that the agenda report mentions two or three positions and that this application would provide the funds and that this is an annual grant that we need to apply for each year and if for some reason we do not get the grant we will be looking at having to lay off three people.

Mary K. Vaughn Ms. Vaughn stated that they would have to be laid off if they could not be absorbed somewhere else, which is the down side of grant-funded positions.

Motion--
--carried Mayans moved that the application be approved; the receipt of any funds awarded authorized and the necessary signatures for agreements required by HUD be authorized. Motion carried 8 to 0.

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RECESS

Motion--

Mayans moved that the City Council recess into Executive Session at 10:45 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, potential litigation, legal advice and contract negotiations and that the Council return from Executive Session no earlier than 11:30 a.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

RECONVENE

The City Council reconvened in the Council Chambers at 11:31 a.m. Mayor Mayans stated that no action was taken.

Motion--carried

Mayans moved to close the Executive Session. Motion carried 7 to 0.

Motion--carried

Mayans moved to close the Regular Meeting. Motion carried 7 to 0.

Adjournment

The City Council adjourned at 11:32 a.m.

Karen Sublett
City Clerk